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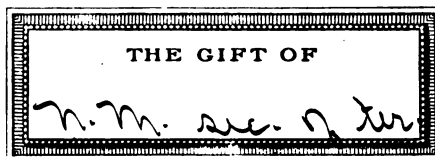
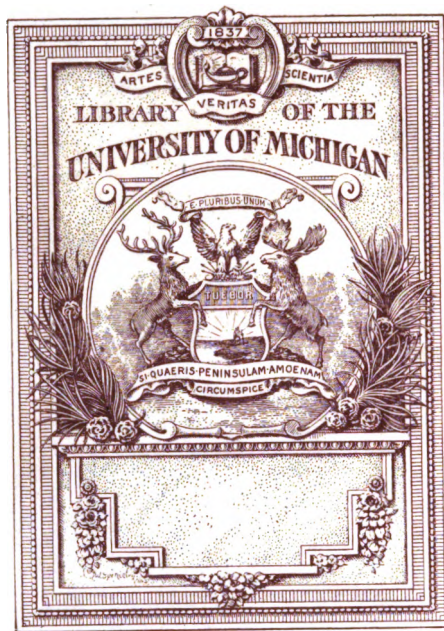
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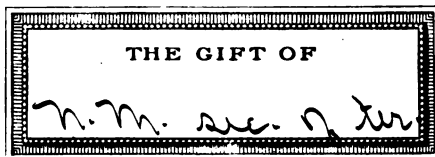
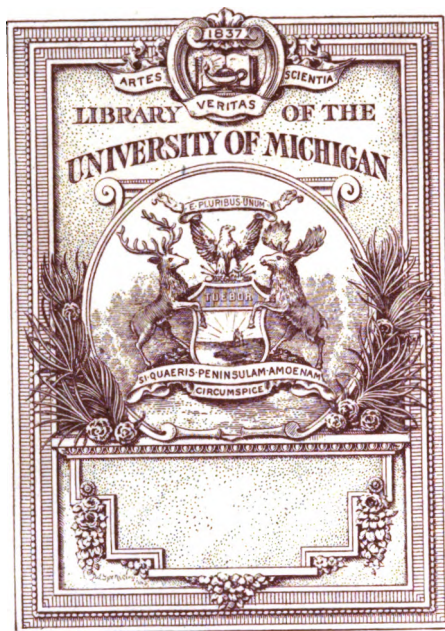
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# COUNCIL JOURNAL.

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PROCEEDINGS

OF THE

# LEGISLATIVE COUNCIL

OF THE

TERRITORY OF NEW MEXICO.

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THIRTY-SEVENTH SESSION, BEGUN AT SANTA FE,  
JANUARY 21, 1907.

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SANTA FE, N. M.:  
NEW MEXICAN PRINTING COMPANY  
1907.



2

# REGISTER

OF

## THIRTY-SEVENTH LEGISLATIVE ASSEMBLY

(January 21 to March 21, 1907.)

Territory of New Mexico.

### MEMBERS OF THE COUNCIL.

11. m. Dec. 3 - 76 - 25

District.	Name.	Address.
1. Colfax and Union....	M. B. Stockton, R. ....	Raton.
2. Taos and Mora.....	Malaquias Martinez, R....	Taos.
3. Rio Arriba and San Juan.....	William G. Sargent, R....	El Rito.
4. San Miguel.....	Charles A. Spiess, R.....	Las Vegas.
5. San Miguel, Quay and Guadalupe.....	James S. Duncan, R.....	E. Las Vegas.
6. Santa Fe and Sando- val.....	E. A. Miera, R.....	Cuba.
7. Bernalillo .....	J. F. Sulzer, R. ....	Albuquerque.
8. Valencia and McKin- ley .....	Jacobo Chaves, R.....	Los Lunas.
9. Socorro and Sierra..	Harvey A. Richards, R....	Socorro.
10. Grant, Luna and Dona Ana. ....	William D. Murray, R....	Silver City.
11. Otero, Lincoln and Torrance .....	Carl A. Dalies, R....	Willard.
12. Eddy, Chaves, Roose- velt. ....	J. O. Cameron, D.....	Carlsbad.

### MEMBERS OF THE HOUSE.

District.	Name.	Address.
1. Colfax.. ..	Horace C. Abbott, R. ....	Raton.
2. Union... ..	Romulo Padilla, R.....	Folsom.
3. Taos. ....	Ramon Sanchez, R.....	Taos.
4. Mora.....	Esteban H. Biernbaum, R.	Mora.
5. Colfax, Mora .....	Elmer E. Studley, R.....	Raton.



## OFFICIAL REGISTER.

District.	Name.	Address.
6. Rio Arriba.	Julian Trujillo, R	Chimayo.
7. Rio Arriba and San Juan	Price Walters, R.	Aztec.
8. Guadalupe and Quay.	N. V. Gallegos, R.	Tucumcari.
9. Santa Fe.	Roman L. Baca, R.	Santa Fe.
10. Santa Fe and Sandoval.	E. C. Abbott, R	Santa Fe.
11. Valencia.	Silvestre Mirabal, R.	San Rafael.
12. Valencia, McKinley, Torrance	S. E. Aldrich, R	Gallup.
13. Socorro	A. E. Green, R.	Socorro.
14. Socorro and Sierra.	Robert Martin, R.	Cuchillo.
15. Grant and Luna.	M. J. Moran, D.	Deming.
16. Dona Ana and Otero.	H. B. Holt, R	Las Cruces.
17. Grant, Luna, Dona Ana, Otero.	Frank W. Beach, R.	Orogrande.
18. Lincoln and Chaves.	A. H. Hudspeth, D.	White Oaks.
19. Lincoln, Chaves. Eddy and Roosevelt.	J. W. Mullins, D.	Carlsbad.
20. San Miguel.	Wm. E. Denniston, R.	E. Las Vegas.
20. San Miguel.	Roque Herrera, R.	Trementina.
20. San Miguel.	Filemon Sanchez, R.	Rociada.
21. Bernalillo.	Bernard Ruppe, R.	Albuquerque.
21. Bernalillo.	F. Lucero y Montoya, R.	Albuquerque.

## OFFICERS OF THE COUNCIL.

Chas. A. Spiess	President
W. E. Martin	Chief Clerk
Bertha H. Hase.	Enrolling & Engrossing Clerk
Perfecto Esquibel.	Sergeant at Arms
E. C. Anderson.	Chaplain
Elias E. Baca.	Messenger
Jesus Maria Valdez.	Watchman

## OFFICERS OF THE HOUSE.

Roman L. Baca	Speaker
Frank Staplin.	Chief Clerk
Evelyn Dougherty	Enrolling & Engrossing Clerk
Leandro Baca.	Sergeant at Arms
Adrien Rabeyrolle.	Chaplain
Thomas Closson	Messenger
Tomas Alarid	Watchman

# COUNCIL JOURNAL.

## FIRST DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
SANTA FE., N. M., Jan. 21, 1907.  
Monday, 12 o'clock m. }

This being the day designated by law for the organization of the Thirty-seventh Legislative Assembly of the Territory of New Mexico, the gentlemen elected to the Council met in the Council chamber of the Capitol building in the City of Santa Fe, the Capital of New Mexico, this, the twenty-first day of January, A. D. 1907.

Honorable James W. Reynolds, Secretary of the Territory, made his appearance promptly at twelve o'clock, and after prayer by the Reverend E. C. Anderson, called the gentlemen to order, and according to the requirements of law and his official duties, proceeded to call the roll of members elected from the different districts of the Territory.

First District—Colfax and Union, M. B. Stockton.

Second District—Taos and Mora, Malaquias Martinez.

Third District—Rio Arriba and San Juan, William G. Sargent.

Fourth District—San Miguel, Chas. A. Spiess

Fifth District—San Miguel, Quay and Guadalupe, James S. Duncan.

Sixth District—Santa Fe and Sandoval, E. A. Miera.

Seventh District—Bernalillo, J. F. Sulzer.

Eighth District—Valencia and McKinley, Jacobo Chaves.

Ninth District—Socorro and Sierra, Harvey A. Richards.

Tenth District—Grant, Luna and Dona Ana, William D. Murray.

Eleventh District—Otero, Lincoln and Torrance, Carl A. Dalies.

Twelfth District—Eddy, Chaves and Roosevelt, J. O. Cameron.

When the call of the roll had been completed, Honorable James W. Raynolds, Secretary of the Territory, proceeded to administer to the persons answering said call the following oath of office :

"You and each of you do solemnly swear that you will support and defend the constitution of the United States against all enemies foreign and domestic; that you will bear true faith and allegiance to the same; that you take the obligation freely, without any mental reservation, or purpose of evasion, and that you will loyally and faithfully discharge the duties of the office upon which you are about to enter. And you do further solemnly swear that you are not the holder of any public monies, due to the Territory of New Mexico, or any county thereof, which is unaccounted for: So help you God."

The oath being administered, the duly qualified members signed the roll of the secretary and entered upon the discharge of their respective duties.

The election of a permanent President of the Council being in order, Mr. Dalies of Otero, Lincoln and Torrance placed in nomination for President of the Council Chas. A. Spiess of San Miguel county, which nomination was duly seconded by Mr. Martinez of Taos and Mora; Mr. Cameron being recognized seconded the nomination of Mr. Spiess on behalf of the minority; Mr. Dalies moved that the nominations for President of the Council be closed and that the election of Mr. Spiess be made unanimous and by a rising vote; which motion being duly seconded by Mr. Cameron was put to a vote and carried, and Mr. Spiess was thereupon declared the duly elected President of the Council.

Mr. Chaves of Valencia and McKinley moved that a committee of three be appointed by the secretary to escort the presiding officer to the Chair which motion being duly seconded by Mr. Martinez was put to a vote and declared carried and the Chair appointed Mr. Chaves, Mr. Dalies and Mr. Cameron to escort the presiding officer to the Chair; the President then being introduced to the Council by the Secretary thanked the members of the Council in the following remarks:

*Gentlemen of the Council:*—"I desire to express my most sincere thanks to you for the honor you have conferred upon me in selecting me as your presiding officer.

"I look to you and each of you for guidance in discharging the duties imposed upon us.

"It was the earnest desire of a vast majority of the people that the present legislature should have been the last one held under the territorial form of government and that we should at this time be engaged in forming a constitution for a state government. In this we have been disappointed by the action taken by Arizona in answering in the negative the question "Shall Arizona and New Mexico be united to form a single state?"

"Notwithstanding that hope has been again deferred it is our duty as legislators to lend our aid in the up-building of the industries of our territories and by a continuation of the splendid industrial achievements of the past our claim upon Congress for statehood will be so strong that our rights in that behalf will in the near future be granted. The eyes of the people of New Mexico and the country at large are upon the legislature as they have never been upon one before. Our capacity for self-government is on trial as it never has been before. Our fitness for statehood will be judged by results of our legislative actions. We must show the congress of the United States that we are not only able to take care of ourselves, but that we can maintain a government which will be a credit to the country at large.

"In this behalf I desire to call attention to the fact that there is now pending before Congress legislation which has for its purpose the prohibition of gambling in the territories. If gambling is an evil which should be eradicated and I believe it is, then we should ourselves eradicate it. It is a sad commentary upon the morals of our people, that Congress is required to interfere in our purely local affairs and regulate evils against which we ourselves should legislate. I think we should at a very early date enact laws which abolish the system of licensing gambling and instead thereof prohibit it entirely.

"In considering legislation I also desire briefly to call your attention to what has been a practice in preceding legislatures in creating or attempts at creating territorial educational institutions. The temptation of individual members to commemorate their services to their particular constituents by having an educational institution located within their county is strong but exceedingly expensive. New Mexico has now more than sufficient institutions of higher learning. The present wants of our people is a better administration of the common school system, so that every child will be given a good common school education and thereby be better fitted to enter upon the duties of life.

"An industrial school would fill a long want in New Mexico.



We should give more attention to educating the hand. There is no reason why our own laboring element cannot raise itself by proper industrial training from one dollar a day men, to skilled laborers. The pride of every people is to furnish its own products, its own labor and its own government."

The president then stated that the Chair was ready to receive nominations for the officers of the Council as provided by the United States statutes. Whereupon Mr. Dalies placed in nomination for Chief Clerk of the Council W. E. Martin of Socorro county, which motion was duly seconded by Mr. Sargent and seconded by Mr. Cameron on behalf of the minority. There being no further nominations the motion was put to a vote and declared unanimously carried.

Mr. Dalies placed in nomination for Sergeant-at-Arms of the Council Mr. Perfecto Esquibel and Robert J. Chavez as interpreter, which motion being put to a vote was declared carried.

On motion of Mr. Martinez, seconded by Mr. Duncan and duly carried, the Council took a recess until 2:30 p. m.

#### AFTERNOON SESSION.

Monday, 2:30 o'clock.

Council called to order by the president. Roll being called the following members were present: Cameron, Chaves, Dallies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton and Sulzer.

There being a quorum present, the Council proceeded to business.

Mr. Duncan moved that the rules of the Thirty-sixth Legislative Council be adopted to govern this body until a committee on rules shall have made its report. Which motion being duly seconded by Mr. Martinez, was put to a vote and carried.

Committee of the House was announced consisting of Mr. Holt, Mr. Aldrich and Mr. Biernbaum, which being duly recognized, informed the Council that the House of Representatives of the Thirty-seventh Legislative Assembly of New Mexico was duly organized, ready to transact business and receive any communications from the Honorable Council, which said committee being thanked by the President, retired.

Mr. Sargent moved that a committee of five be appointed to inform the Honorable House of Representatives of the Thirty-seventh Legislative Assembly of New Mexico that the Council of the Thirty-seventh Legislative Assembly of New

Mexico was duly organized, ready to transact business and receive any communications from said body. Also that said committee wait upon His Excellency and inform him that said Council was duly organized, ready to transact business and ready to receive any communications from the executive. Which motion being duly seconded by Mr. Richards was put to a vote and carried, and the President thereupon appointed Messrs. Sargent, Sulzer, Miera, Chaves and Cameron.

Mr. Martinez moved that the Council do now adjourn until to-morrow morning at 10 o'clock, which motion being duly seconded by Mr. Murray, was put to a vote and declared carried. Whereupon the Council adjourned until to-morning at 10 o'clock

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

## SECOND DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
SANTA FE, N. M., January 22, 1907.  
Tuesday 10 o'clock. }

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon the call of the roll the following members responded, to-wit: J. O. Cameron, Jacobo Chaves, Carl A. Dalies, J. S. Duncan, M. Martinez, E. A. Miera, Wm. D. Murray, H. A. Richards, W. G. Sargent, M. B. Stockton, J. F. Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The journal of yesterday's proceedings was read and Mr. Chaves moved that the journal of yesterday's proceedings as read be approved, which motion being duly seconded by Mr. Martinez was put to a vote and declared carried, and the journal of yesterday's proceedings was thereupon approved as read.

Mr. Dalies asked unanimous consent to introduce a Council Joint Resolution; there being no objection unanimous consent was granted and Mr. Dalies presented Council Joint Resolution No. 1, "To Supply members of the Council and House of Representatives with the Compiled Laws of 1897 in Spanish and English," which Council Joint Resolution No. 1, was thereupon read first time in full.

Mr. Dalies then moved that the rules be suspended and that Council Joint Resolution No. 1 be read the second time by title and it be considered translated, printed and referred, which motion being duly seconded by Mr. Duncan, was put to a vote and carried; thereupon Council Joint Resolution No. 1, was read second time by title.

Mr. Duncan moved that the rules be further suspended and that Council Joint Resolution No. 1 be read third time by title preparatory to its passage, which motion being duly seconded by Mr. Martinez was put to a vote and declared carried.

Mr. Dalies moved that Council Joint Resolution No. 1 do now pass. Council Joint Resolution No. 1 being placed on its passage the vote resulted as follows:

Ayes—J. O. Cameron, Jacobo Chaves, Carl A. Dalies, J. S. Duncan, M. Martinez, E. A. Miera, Wm. D. Murray, H. A. Richards, W. G. Sargent, M. B. Stockton, J. F. Sulzer, and Mr. President. Ayes—12. Naves—None.

The vote being twelve in the affirmative and none in the negative Council Joint Resolution No. 1 was thereupon declared to have duly passed the Council.

Mr. Dalies asked unanimous consent to introduce Council Joint Resolution No. 2; there being no objection consent was therefore granted and Mr. Dalies introduced Council Joint Resolution No. 2, "To supply members of the Council and House of Representatives with laws of 1899, 1901, 1903 and 1905 and a copy of the Journal of 1905 of the respective Houses", which Council Joint Resolution No. 2 was read first time in full.

Mr. Dalies moved that the rules be suspended and that Council Joint Resolution No. 2 be read second time by title and be considered translated, printed and referred, which motion being duly seconded by Mr. Duncan was put to a vote and declared carried, and Council Joint Resolution No. 2 was thereupon considered translated, printed and referred and read second time by title.

Mr. Martinez moved that the rules be further suspended and that Council Joint Resolution No. 2 be read third time by title preparatory to its passage, which motion being duly seconded by Mr. Chaves was put to a vote and declared carried and Council Joint Resolution No. 2, was thereupon read third time by title preparatory to its passage.

Mr. Dalies moved that Council Joint Resolution No. 2 do now pass and Council Joint Resolution No. 2 being placed on its passage, the vote resulted as follows, to wit:

Ayes—J. O. Cameron, Jacobo Chaves, Carl A. Dalies, J. S. Duncan, M. Martinez, E. A. Miera, Wm. D. Murray, H. A. Richards, W. G. Sargent, M. B. Stockton, J. F. Sulzer and Mr. President. Ayes—12. Naves—none.

The vote being twelve in the affirmative and none in the negative Council Joint Resolution No. 2 was thereupon declared to have duly passed the Council.

A Committee of the House was announced, of which Mr. Ruppe of Bernalillo county was Chairman, who being recognized said:

*Mr. President:*

We, a committee of the Honorable House of Representatives, have been instructed to inform the Honorable Legislative Council of the Thirty-Seventh Legislative Assembly of the Territory of New Mexico that the House is ready to meet said Council in joint session for the purposes of receiving the Governor's message and we therefore cordially invite this Honorable Body to meet with said House.

At 11:10 Mr. Cameron moved that the Council do now arise and proceed in a body to the Hall of Representatives to meet the House of Representatives in Joint Session for the purpose of receiving the Governor's message, which motion being duly seconded by Mr. Chaves, was declared carried, and the Council thereupon arose in accordance therewith.

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## JOINT SESSION.

### HALL OF REPRESENTATIVES.

The Council and House of Representatives went into Joint Session with the President of the Council in the chair, and W. E. Martin, Chief Clerk of the Council, acting.

Mr. Sanchez of Taos moved that a committee of five be appointed to wait on His Excellency and to inform him that the Thirty-seventh Legislative Assembly of New Mexico had met in Joint Session and was now ready to receive any communication that he might see fit to present, which motion being duly seconded, was put to a vote and carried, and thereupon the President appointed Mr. Sanchez of Taos, Mr. Dalies, Mr. Herrera, Mr. Cameron and Mr. Martinez as such committee, and instructed it to proceed at once and report its action with convenient speed.

The committee heretofore appointed to wait on His Excellency reported that they had duly notified His Excellency that the Thirty-seventh Legislative Assembly was in Joint Session and was ready to hear his message, and further reported that His Excellency was present and ready to be received, whereupon the President presented His Excellency, Governor H. J. Hagerman, to the Joint Assembly, and he proceeded to read his message in English, a motion having been made and carried to dispense with the interpreting of the same in Spanish.



## MESSAGE OF GOVERNOR HAGERMAN.

*Gentlemen of the Council and House of Representatives of the Thirty-seventh Legislative Assembly of the Territory of New Mexico:*

It is the duty of the Chief Executive of New Mexico upon the convening of the Legislature to furnish such information as is at his disposal concerning the condition of the Territory, and to offer such suggestions and recommendations concerning new legislation as he may think advisable. In doing this I wish to assure you that it is my most earnest desire to fully and sincerely co-operate with you in the enactment of such legislation as will result in the advancement of the Territory and in bettering the condition of your constituents.

The people of the whole nation have, during the past two years, been blessed with a prosperity rarely, if ever, equalled in the history of the United States, and in this prosperity the people of New Mexico have had their full share. The Territory was never in a more prosperous condition. Our largest industry, that of sheep raising, has from every point of view, been unusually fortunate; the ranges have been good and the crop of lambs large and the prices of wool and sheep unusually high, conditions which, from the present outlook, promise to continue. The cattle industry from the standpoint of prices has not been so remunerative but otherwise has been very satisfactory. Very few people have, until recently, realized the great extent of the timber resources of New Mexico and, during the past two years very great strides have been made in its development. Our towns and cities have grown, great areas of public lands have been taken up and much of it put into cultivation by new settlers, hundreds of miles of new railroads have been constructed to meet changed conditions and develop our resources.

While much has recently been accomplished in the exploitation and development of our coal lands, they are of such vast extent that it will take many more lines of railway than now exist to furnish outlets for the coal and coke produced from them, products for which there is an ever increasing demand throughout the country. There have been many new banks established in the Territory and the deposits during the past two years have more than doubled.

Through the National Reclamation Service and Private enterprise many new irrigation projects, which will reclaim great

areas of land have been decided upon and the work on some of them commenced.

The people of New Mexico have every reason to be gratified at the material progress which has been made since the meeting of the last legislature, and it is the duty of all three branches of the government, the legislative, executive and judicial, to unite in a common effort to bring about such necessary changes in the form and execution of our laws as are necessary to meet the rapidly changing conditions. In such co-operation it should always be borne in mind that controversies inspired by personal, local and transitory causes should, as far as possible, be eliminated, as such controversies consume much valuable time, and if allowed to become virulent and bitter, can only result in harm to the community.

The Federal government, to which the executive is largely responsible, and the people of the Territory, to whom the legislature is entirely responsible, have a right to expect that the sixty days during which the legislature sits, will be used to the utmost in sincere, conscientious and untiring efforts to enact legislation which will be permanently wise and result in the greatest good to the greatest number of voters and taxpayers of the Territory.

A measure of supreme importance to New Mexico was passed by the Federal Congress and approved by the President June 16, 1906. This provided for the admission of New Mexico and Arizona into the Union as one State and was the first enabling act ever passed by Congress under which the long sought privilege of statehood could have been acquired by the people of these Territories. The bill provided that the question "Shall Arizona and New Mexico be united to form one State?" should be voted on at the next general election by the qualified voters of both Territories and that, if a majority of the votes cast in either Territory should be against the jointure, it should be defeated. At the general election held on the sixth day of November, 1906, there were cast in New Mexico on the question 40,930 votes, of which 26,195 were in favor of jointure, and 14,735 against. In Arizona there were 3,141 cast in favor of the measure and 16,265 against it.

Through the adverse vote of Arizona the measure was therefore defeated, and the people of both Territories are again in the same situation they were before the bill was passed. Through the large favorable majority in New Mexico, her people showed that they were willing to accept the terms offered by the Federal Congress, in whose hands our fate lies. As the people of Arizona, however, did not deem it advisable to accept the offer extended to them by the Act of Congress, the realization of the hope and am-

bition of the inhabitants of both Territories to obtain a state form of government is again indefinitely postponed. At the present time the meeting of a constitutional convention composed either of the delegates elected in New Mexico under the joint statehood act or of others, would not, in my opinion, be useful, and I believe that in the opinion of a large majority of the taxpayers of the Territory, the appropriation by the legislature of money to defray all or part of the expenses of such a convention would be unwise.

The last apportionment of the Territory for legislative purposes, previous to the one now in force, was made by Governor Prince in March 20, 1891. Since then the population of the Territory has vastly increased, the division of its population has very materially changed and many new counties have been formed. While the apportionment made by Governor Prince was undoubtedly just and equitable at the time it was made, that apportionment under present conditions was exceedingly unjust and unquestionably inequitable and contrary to the meaning and intent both of the Organic Act and the Territorial laws. Realizing this to be a fact and that a very deplorable condition existed as far as concerned the equality of representation throughout the Territory, and that a legal method of immediately remedying that condition existed, I adopted that method and, on the fourth day of November, 1906, issued a proclamation reapportioning the Territory for legislative purposes. The Territory was divided into twelve Council districts and twenty-one House of Representative districts, the attempt being to make the divisions as just and equitable as could be arrived at under the circumstances. In arriving as nearly as possible at the population of the various counties, the last United States census was taken as a basis of computation, and such other facts as the number of voters at the previous general election, and the school enrollment, were used to throw light upon the subject and contribute to the final result.

The new apportionment has been generally accepted as a fair one, and it has been affirmed both by a decree of court and by the election of the members of this legislature under its provisions.

#### TERRITORIAL FINANCES.

The reports of the Treasurer and Auditor of the Territory are very full and complete, and will prove of great interest to the members of the Legislature.

On December 1, 1904, the commencement of the 56th fiscal year, there were balances in the various funds to the amount of \$249,147.95.

Receipts from taxes and other sources from December 1, 1904, to November 30, 1906, were \$1,442,615.65, making a total of \$1,691,763.60 to be accounted for.

Payments for the corresponding period amounted to \$1,331,762.70, leaving a balance in the treasury at the close of business on November 30, 1906, of \$360,000.90.

All claims within the appropriations made were paid, and in addition thereto the bonded debt has been reduced from \$949,300.00 to \$843,000.00, a reduction of \$106,300.00, as follows:

Capitol Building bonds, due March 1, 1905, redeemed,	\$96,000.00
Current Expense bonds, due May 2, 1907, redeemed.....	10,000.00
Casual Deficit bonds, due May 1, 1923, redeemed.....	300.00

While the Territorial bonded debt is now \$843,000.00, there are balances in sinking funds available to redeem outstanding bonds aggregating \$103,302.82, making the net territorial debt \$739,697.18.

On May 2, 1907, \$40,000.00 six per cent current expense bonds will become due, for which there are funds on hand to pay, and on November 1, 1907, an additional \$50,000.00 current expense bonds mature, and payment will be promptly met. The remaining \$50,000.00 current expense bonds due May 1, 1908, will be paid, and after that no bonds will mature until May 1, 1919.

The bonded debt has been reduced \$406,600.00 in the last seven years, resulting in reduced annual interest charges from \$73,200.00 in 1899 to \$45,800.00 annual interest charge on the present outstanding territorial debt.

This gradual reduction of the bonded debt is being accomplished without hardship upon the taxpayers, and it is believed no better plan could be devised in relation to the bonded debt of the Territory than to continue the payment of bonds by direct tax for that purpose as they become due. In this manner the debt will be gradually wiped out and the taxpayers relieved of the interest charges.

There are now thirteen designated depositories in which the territorial funds are on deposit, entitled under their applications and bonds filed to have on deposit \$298,000.00, on which the Territory gets three per cent interest per annum, payable monthly.

Most of the depository banks have given surety company bonds to secure the territorial deposits, this class of security being preferable in many respects to a bond with personal sureties.

In this connection I would suggest that in the territorial laws concerning depositories, provision should be clearly made for the periodical examination of all collateral and security bonds filed,

with a view to their renewal or replacement by others when it might be deemed necessary. The law of the Territory is entirely silent on this point, although the system was initiated nearly thirteen years ago, and it is probable that some of the original personal bonds filed in 1893 are still in force, although some of the signers may be dead and the others bankrupt.

The total tax levy for the 57th fiscal year ending November 30, 1906, was fifteen mills, and the appropriations for the same year for general territorial purposes \$219,920.00.

For the 58th fiscal year the rate of taxation is fourteen mills for all purposes; six mills to meet the appropriations for general territorial purposes amounting to \$208,110.00; six and thirty one-hundredths (6-30-100) mills for territorial and charitable institutions; one and seventy one-hundredths (1-70-100) mills for bond sinking funds and special purposes.

For the 56th fiscal year the total income from taxation was \$507,216.26, and from sources other than taxation including interest on deposits, convicts' earnings fund, district court fees, corporation fees, superintendent of insurance fees, and some other funds, \$153,026.31, making a total, according to the Auditor's report, of \$660,242.57.

For the 57th fiscal year the total income from taxation was \$535,661.58, and from other sources \$196,711.50, making a total of \$732,373.08, or an increase of \$72,130.51.

The Auditor reports that for the 57th fiscal year, under the direct levy of fifteen mills, one mill levy produced the sum of \$30,654.03, exclusive of the cost of assessment and collection, this being the amount derived from such levy up to and including the 30th day of November, 1906. The mill levy for the 58th fiscal year will probably produce more than this.

For the 58th fiscal year the fourteen mill levy, as certified by the different boards of county commissioners to the Territorial Auditor was as follows:

Territorial purposes.....	.600
Territorial institutions—Appropriation bill.....	.550
Charitable institutions.....	.080
Camino Real fund, Sec. 11, Chap. 7, Laws 1905.....	.25
U. S. Land Fees fund, Sec. 50, Chap. 111, Laws 1905....	.12
Mounted Police fund, Sec. 13, Chap. 9, Laws 1905.....	.50
Current expense bond sinking fund, Sec. 384, C. L. 1897..	.66
Provisional indebtedness bond sinking fund Sec. 4176, C. L. '97.....	.10
Terr. Institutions bond sinking fund, Sec. 3691, C. L. 1897	.3

New Mexico Military bonds sinking fund, Sec. 3667, C. L.	
1897.....	2
Insane Asylum bonds sinking fund, Sec. 3625, C. L. 1897..	2
	<hr/>
	.1400

Out of the total amount of this levy six and three-tenths are for territorial institutions and charitable institutions, the sum to be produced for territorial institutions being \$177,000.00 and for charitable institutions \$25,600.00.

## BONDED DEBT.

Bonded indebtedness, Nov. 30, 1904...	\$949,300.00
Capitol Building bonds redeemed.....	\$96,000.00
Current expense bonds redeemed.....	10,000.00
Casual deficit bonds redeemed.....	300.00
	<hr/>
Total indebtedness Nov. 30, 1906.....	843,000.00
Deducting amount of various sinking funds.....	103,302.82
	<hr/>
NET DEBT.....	\$739,697.18

## GENERAL ACCOUNTS.

Balance in Treasury Dec. 1, 1904.....	\$249,147.95
Receipts from Dec. 1, 1904, to Nov. 30,	
1905.....	\$685,242.57
Receipts from Dec. 1, 1905, to Nov. 30,	
1906 .....	757,373.08
	<hr/>
	1,442,615.65
	<hr/>
	\$1,691,763.60

Payments from Dec. 1, 1904, to Nov.	
30, 1905.....	\$703,596.89
Payments from Dec. 1, 1905, to Nov. 30,	
1906.....	628,165.81
	<hr/>
	1,331,762.70

Balance in Treasury at close of business Nov. 30, '06	\$360,000.90
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## ASSESSMENT AND TAXATION.

The Honorable Miguel A. Otero in his message to the 36th Legislative Assembly, said in regard to this important subject:

"The proper assessment of taxable property and the prompt collection of taxes is of vital importance to every common-

wealth or community. Of late years there has been some improvement in both, in this Territory, especially since the enactment of the traveling auditor's law, but it is still not what it ought to be. It is recognized that the collection of taxes, although distinct from the duty of assessing property for taxation, is nevertheless very much dependent upon the latter. It is no consolation to New Mexico taxpayers to know that other commonwealths contend with the same difficulty and are also still far from having solved the problem of equitable assessment and taxation, for it is a function that lies at the root of all good government and I look to this Legislative Assembly to enact legislation that will go further towards solving this problem for New Mexico than has ever been done before. During the past two years a trial has been given by the Board of Equalization to the Sections of Chapter 88 of the laws of 1903, which empower it to apportion and adjust in a lump sum the amount of taxes to be raised among the different counties, and the Board is frank to acknowledge that this method under existing circumstances, while correct theoretically, in practice has not abolished existing inequalities but has rather accentuated them, not to speak of the question of law that might be raised by one county levying a higher rate for territorial purposes than another county upon the same class of property."

"The violation of duty by the assessors reduces the total assessed valuation to far below what it should be. This, naturally, makes a harmful impression abroad and results in a rate of taxation that seems comparatively high when considered independent of the imperfect assessment. Such a course deceives no one, benefits no one, \* \* \* and is utterly wrong in principle. A certain sum must be raised for administrative and other necessary public purposes, no matter what the total assessment, and the rate of taxation is fixed in proportion to the total assessment so as to yield approximately the necessary revenue, under-valuation demanding a high tax rate, while a just and equitable assessment would permit a low tax rate such as would improve public credit, attract capital for investment and would encourage property owners to make improvements.

"With fair assessment rolls it will be easier to hold the collectors to the prompt collection of taxes. In most other commonwealths collectors of taxes are charged and held responsible upon their bonds for one hundred per cent of the total taxes

charged against property in their jurisdiction, and they can be exonerated from collecting any part of this for good reasons only, and upon specific action in each case by the Board of Equalization. Why cannot such a course be pursued in New Mexico? It is not only an insufferable evil but a public shame that it can be said that one portion of the Territory turns into the proper treasuries only sixty to seventy per cent of the taxes levied against it while another portion with a higher proportionate and actual assessment, collects ninety and more per cent of its taxes. It is a matter worthy of the undivided and careful attention of the law makers."

Since the meeting of the last legislature there has been considerable improvement in tax collections, the average percentages of taxes collected in the whole Territory being higher, and there being more uniformity as between the various counties as to such percentage. But very much remains to be done in the way of legislation before the statutes of the Territory, on the subject of revenue, are what they should be. I am aware that the subject is a difficult one and one which has taxed the resources of the ablest lawyers and legislators in nearly every state in the Union for many years, and while we cannot hope for perfection or the enactment of all necessary legislation at one session of the legislature, there are certain changes which it is extremely desirable should be made at once.

In order that a uniform and consistent law on this subject may be available for the guidance of the many territorial officials whose duty it is to see to the enforcement of the laws of assessment and taxation, and that the difficulties which now exist even in the minds of trained lawyers, as to the interpretation of the many acts which have been passed on the subject, may be partially, at least, overcome, I strongly recommend that you make a complete compilation and revision of all such laws, repealing all the laws now on the statute books and enacting one new one embracing all their provisions, with such amendments as you deem proper. This, I believe, should be done, even if the revision should not be as complete as might be desired at this session of the legislature. I suggest that in whatever revision of the session laws you are able to accomplish you bear in mind the three fundamental defects which, among a great many good provisions, are now generally apparent throughout these laws:

First: Defects relative to equitable assessment of property.

No system of taxation can possibly be just to the taxpayers if the valuation of the same class of property is fixed at a higher rate in one place than in another. Unfortunately, this is what re-



peatedly happens in the Territory. It is due to two causes, one being the failure of the assessors to properly classify the property, and the other failure of the assessors and county commissioners to place the proper valuation on the property, even if it has been properly classified. There are areas of timber land in the Territory which are classified as grazing lands, and assessed as low as twenty cents per acre. The valuation of timber lands as fixed by the Board of Equalization is from \$2.50 to \$5.00 per acre, according to their location; and the valuation of grazing lands is from 30 cents to \$1.25 per acre.

There are large areas of coal and mineral lands, the real market value of which is many hundred per cent higher than the assessed valuation under an erroneous classification. The timber lands of the entire Territory were returned last year at the insignificant figure of \$231,165.50, when the amount of lumber produced during the year was valued at \$1,250,000.00. The coal and mineral lands were returned at only \$1,118,540.50, when the value of their product alone for the year was \$1,676,630.00.

My attention has been called to the valuation fixed by the Board of Equalization upon the property of banks as being inequitable. The Board has fixed such valuation at sixty per cent of the capital (at par) and the surplus, and, while the stock of banks is usually worth more than par, the bankers complain, with some justice, that they are compelled to pay taxes on a higher relative valuation than other property. The proper way, if possible to do so, to remedy this matter, is not to reduce the valuation on banking property or any other class of property which happens to be tangible and definitely accessible for assessment, but to raise the valuation relatively on all other classes of property and then reduce the rate of taxation.

The unequal assessment and wrongful classification of property can be remedied by clearly providing that the values as fixed by the Board of Equalization shall be enforced throughout the Territory and by establishing specific penalties against assessors and county commissioners who fail to enforce them. In order to aid in doing this I recommend that the laws concerning the Board of Equalization be amended so as to contain such specific grant of power, making it mandatory upon county officers to adopt such classifications and providing strong and specific penalties for their failure to do so.

I would also suggest that the law providing for the removal of officers, who have to do with the assessment and collection of taxes, by the court, be so amended that it shall be the duty of the District Attorney, in the name of the Territory, to bring action against such

officers who fail to perform any of their official duties, including the duty of classifying and assessing property in accordance with the findings of the Board of Equalization, whether upon the affidavit of a taxpayer or not. The Board of Equalization should also have the power to review tax matters in the various counties regardless of whether such matters are brought before them upon appeal as is now provided.

Second: Defects relative to the making of proper returns by the property owner.

The law now provides a penalty for failing to render true lists but there is great laxity in many parts of the Territory in the enforcement of such penalty, and new provisions which would make such enforcement more feasible and make such failure a misdemeanor, would be advisable.

Third: Defects relative to the collection of delinquent taxes.

The law now provides that on December 1st in each year half of the unpaid taxes for the year last past, and on June 1st of the following year the remaining half shall become delinquent; that on the second day of December and June one per cent of the amount of such delinquent taxes shall be added, that after a month more four per cent in addition to the one per cent shall be added. The amount of penalty so fixed is by no means sufficient, as, at the rate of interest prevailing in the Territory it is often to the financial advantage of taxpayers to put off the payment of their taxes once they become delinquent, just as long as they are allowed to do so through the neglect of the authorities to initiate proceedings for their collection.

I would recommend, therefore, that the law be so amended as to provide a penalty of one per cent for the first month, two per cent additional for the second month, and for each succeeding month that the taxes remain unpaid.

It is generally conceded that the method as now provided by our laws, for the collection through proceedings in court delinquent taxes in amounts exceeding \$25.00, is exceedingly cumbersome and unwieldy. I can see no good reason why all delinquent taxes could not be dealt with in a manner similar to that provided by our law for the collection of amounts less than \$25.00. Such a method has proven very successful in other states, and I would therefore recommend that a law to that effect be passed.

A substantial reduction in the rate of taxation is highly desirable, even if such reduction must be accompanied by a relative increase in the assessed valuation of taxable property, for two reasons: First, because a high tax rate deters prospective investors

from bringing new capital into the Territory, and second; (and the much more important consideration), because with a high tax rate and a low valuation, favoritism and an unfair discrimination between taxpayers is much more easy of accomplishment than is possible when the tax rate is so low that it is necessary for the taxing officers to get the taxable property on the tax rolls in order to produce an adequate amount of revenue.

Under every system of taxation it is almost inevitable that the small property holder bears an undue proportion of the public burdens, because as a rule the holdings of such taxpayers are tangible and not readily concealed from the assessor, and therefore every glaring disparity between the tax rate and the actual value of the property which should be taxed but invites the taxing officers to favor the influential citizen as against his less fortunate neighbor.

If, therefore, a scheme of taxation can be devised whereby the tax rate can be reduced and assessed valuation increased in a corresponding ratio, it is reasonable to assume that the burdens of taxation will be to that extent more evenly distributed, while the aggregate amount taken from the people for the support of the government will not necessarily be increased, and prospective investors will have in the same degree a much desired assurance against the possibility of discrimination and favoritism.

#### SALARIES OF COUNTY OFFICIALS.

Much complaint is made in the larger counties of the Territory as to the excessive amounts received in salaries and fees by the county treasurers, assessors and sheriffs, and there is a general desire among the people of the Territory that this matter be remedied by putting these officials upon a salary basis. I would suggest that if any legislation is enacted in this regard, concerning assessors and treasurers, such legislation be included as a part of the revenue law referred to above, if the same shall be enacted.

The matter of placing treasurers and assessors on a straight salary basis gives rise to many difficulties. It has been carefully considered by the Attorney General, the Traveling Auditor and other territorial officials, and they have recommended to me a plan of avoiding these difficulties, which it seems is well worthy of your careful consideration. In this connection I quote from the report of the Traveling Auditor:

"The treasurers and assessors receive as compensation for their services, the former four per cent on all taxes and licenses collected or received by them, and the latter four per cent on all taxes collected under assessments made by them on taxable property, and

in addition four per cent on all merchandise licenses assessed by such assessors."

It was thought at the time that Chapter 60 of the Laws of 1905 making graded classifications of the counties on the basis of the territorial tax collected and remitted to the territorial treasurer that such act would provide an equitable basis for fixing the compensation of county officials. However, after observing the workings of this act during the past two years it appears that in many of the counties the salaries of the officials are entirely out of proportion to the services rendered, due in my opinion to the faulty method of classification.

It was the intention of the law to base the classification of counties upon the volume of business transacted in the various counties as shown by receipts, and the territorial levy being the same in all counties was taken as an index as to the volume of such business. It can be readily seen that this view is not a correct or equitable one. Many of our counties have within their boundaries no incorporated towns for which special taxes are levied, collected and disbursed, and this is also true with regard to other special levies for schools, roads, bridges, etc., and in such counties that levy and collect these special taxes, the receipts are greatly increased, and it naturally follows, the services and responsibility of such county officials are correspondingly increased.

At the same time the classification of counties being based on territorial collections, a small county, (and a majority of our counties are small and do not levy these taxes) is naturally forced into a higher class and has to pay the higher salaries than it should if the classification were based on all collections, proceeds of levies for territorial, county, municipal, school and all special taxes; also liquor, gambling and merchandise licenses. All of which are regular and fixed sources of revenue in all counties of the Territory.

As a suggestion, I believe it would be wise to consider carefully the changing of the classification of the counties from the present method, namely, from the territorial tax collection alone, to all fixed and stable sources of revenue as mentioned above."

000 and under \$200,000, in class "B;" over \$100,000 and under

It is suggested that when, on the basis above mentioned, the annually such county shall be classified in class "A;" over \$150,-collections of the county treasurer shall exceed the sum of \$200,000 \$150,000, in class "C;" over \$75,000 and under \$100,000, in class "D;" over \$50,000 and under \$75,000, in class "E;" and under \$50,000, in class "F."

The grading having been fixed according to this classification, it

is suggested that the compensation of the assessor and treasurer be fixed on a graded scale of percentage: Two per cent in the case of counties in "A" class up to four per cent in counties of the "F" class. By this method the compensation of these officers in the richer counties, while not excessive as is now the case, would be reasonable for the amount of work done; while their compensation in the counties receiving smaller incomes would, on account of the larger rate paid them, receive compensation commensurate with the amount of work done by them.

The amount received in one of the larger counties, under the existing law, was nearly \$8,300.00 last year, which is manifestly excessive and a hardship on the taxpayers. Under the new arrangement the same treasurer would have received about \$4,200.00 on the two per cent basis. In counties of class "E" and "F" under the new classification the treasurers and assessors would receive practically the same as they do now.

I believe that this suggestion is a good one and that a law passed on the basis of the classification proposed would be acceptable to the people of the Territory. The salaries of the county officials as fixed under the classification contained in Chapter 60 of the Laws of 1905 being in some cases manifestly unjust, it would be advisable in amending the law as to the classification to also make new provisions in regard to salaries of officials outside of assessors and treasurers. In reaching a basis upon which to compute compensation for these officials, care should be had to take into consideration all the statistics and every source of information available, keeping in mind both the work to be performed and the financial capacities of the various counties to pay salaries.

Care should be taken in the adjustment of salaries, not to reduce them so much as to prevent competent men from accepting important offices, and not to so increase them as to make them rich political prizes.

#### MAINTENANCE OF TERRITORIAL AND CHARITABLE INSTITUTIONS.

As will be seen from the above, a large share of the taxation to which the people of the Territory are subject, is imposed in order to maintain the territorial institutions and the charitable institutions of the Territory. The Territorial Auditor in the suggestions contained in his report says:

"The territorial institutions should be liberally maintained, but it occurs to this department that, when the liberal manner in which the institutions were dealt with two years ago in the way of appropriations is taken into consideration, a happy

medium between extravagance and parsimony should be struck, and that the legislature will see the necessity of hewing close in the line in this respect."

"In my opinion charitable institutions are purely local in character, and should not be a charge on the Territory, as a great number of counties contribute to their support without deriving any benefit from them. I will suggest that the county commissioners of the various counties in which these institutions are located be authorized to fix a levy for the maintenance and carrying out of the object for which these institutions were established."

It is undoubtedly true that in some instances the Territory is, on account of the large number of territorial educational institutions, paying out more money for the education of the individual student than would be the case if the educational institutions were more concentrated. Several of these institutions with a limited number of students duplicate the departments of learning, which if concentrated into one institution would require no greater equipment than is now necessary for each of such departments. With the expenditure of a less amount of money, more efficient instruction could be accomplished through the amalgamation of such departments. One efficient professor of chemistry or metallurgy, for instance, should be as capable of properly taking care of and instructing thirty as ten students, and the necessary material equipment for their instruction would not be much greater. With fewer instructors, and the same amount or even less money than is now used for paying their salaries, more efficient men could be secured.

I consider it unfortunate, with the resources available for their maintenance, that so many territorial educational institutions have been established in New Mexico. In order to maintain them all up to a standard which would be really creditable to the Territory, nearly every one of them should have large additional equipment and endowment, which it is absolutely impossible to secure from the Territory at the present state of its development. If the efforts of previous legislators had been concentrated on fewer educational institutions, with a view to the greater efficiency of each, we would be at the present time in an infinitely better situation in regard to higher education in the Territory than is now the case. These are manifest truths which cannot be denied, and while I realize the difficulty, on account of local influences, of bringing about the desired concentration, I believe that such difficulty is not too great to be overcome, and that it is the duty of the legislature, representative as it is of the interests of the people of



the whole Territory, to take this matter under serious and careful consideration.

The suggestion of the Territorial Auditor in regard to charitable institutions is also one which merits much careful thought. It is undoubtedly true that all the charitable institutions which receive appropriations from the Territory are very worthy in themselves and accomplish most excellent results, it is also true that some of them are more than local in their character, and do not confine their operations to any one county or municipality. There are others, however, that are almost purely local, and it does not seem that all the taxpayers of the Territory should be called upon to support them. If the policy of supporting such local institutions at territorial expense is continued, its limitation, with the continuous growth of the Territory, will be very difficult. It is not unnatural that every new charitable institution that is organized in any part of the Territory should make application for territorial aid on the ground that others, no more worthy, are receiving similar aid. I have received applications from various of such new institutions, which I know to be worthy, asking me to recommend appropriations for them, but I cannot do so, because I believe the system should not be indefinitely extended.

I am not in any way desirous of belittling the good work which is being done by our territorial educational institutions. On the contrary, I fully realize that, under the difficulties many of them have had to work, the results are very gratifying. It should, however, be borne in mind that until the population and wealth of the Territory is considerably greater than at the present time the sums necessary to bring them up to the standard desired by their friends and boards in charge of them cannot be afforded by the taxpayers. The amount asked for by five of the educational institutions, through the reports hereto annexed, for necessary improvements, amounts to about \$200,000, and for increased appropriation for maintenance over that granted by the last legislature \$32,500 more.

The burdens and handicaps under which these boards, whose members are usually enthusiastic and energetic, must work, are enhanced by this state of affairs, and it should be the desire and duty of the legislature and the Governor to find methods to lessen these burdens and handicaps. One method, if it were possible to accomplish it, would be consolidation; another is to eliminate as far as circumstances will permit, the preparatory departments and concentrate the efforts of each particular institution on the lines

for which that institution was presumably created. To do less and to do it more thoroughly.

Whatever appropriations are made for territorial and charitable institutions I would call to your attention the fact that the system adopted by some of the past legislatures of appropriating to the different institutions the product of a certain levy for their maintenance, is very unsatisfactory. I believe that the course taken by the Thirty-sixth Legislative Assembly in appropriating a specific amount for the use of these institutions, is a step in the right direction. Under this system the institutions are at all times in a position to know what amount they can actually depend on for any one year. I strongly recommend, therefore, that this system of appropriating money for the institutions be continued.

#### INSANE ASYLUM.

I recommend to your special consideration reports relative to the Insane Asylum of New Mexico which show that the institution while costing the Territory a considerable sum yearly, has been efficiently and economically managed. The total cost of maintenance for the past two years was \$104,875.63. Of this \$47,162.77 is for charges in the nature of permanent improvements, furnishings and additional land purchases, leaving a balance of \$57,712.86 for the actual running expenses of the institution. The daily attendance increased from 113 to 145 for the last biennial period and is constantly increasing with the growth of the Territory. The expense of maintaining each patient has been considerably reduced owing to the increase in farm and dairy products whereby the patients are better fed than previously and on a diet more suitable to their needs. Much credit is due to the competent officers for their efficient management and the faithful service of the employees.

The management recommends the early construction of another ward for the exclusive use of women patients, more dining-room space and various other improvements, all of which would be taken care of by the bond issue of \$105,000 authorized by the legislature if said issue shall be approved and legalized by act of Congress. Such approval is being very strongly urged by the Delegate to Congress and territorial officials.

#### TERRITORIAL PENITENTIARY.

I invite your careful consideration to the report of the Superintendent and Commissioners of the New Mexico Penitentiary, which shows that financially there has been a rapid improvement in the condition of the institution during the past two years.

On December 1, 1904, there was a net deficit of \$17,784.45,



which deficit had decreased on December 1, 1905, to \$12,499.64. On December 1, 1906, at the close of the 57th fiscal year there was a net credit balance of \$9,774.14.

The balance in the Treasury on December 1, 1904, was \$1,074.02,

The total receipts for the 56th and 57th fiscal years were \$186,321.69, of which \$85,275.57 was for the 56th fiscal year and \$101,046.12 for the 57th fiscal year.

The total disbursements for the two years was \$183,317.33, of which \$86,274.52 was for the 56th fiscal year, and \$97,042.81 for the 57th fiscal year.

The balance in the Treasury on November 30, 1906, was \$4,078.38.

Of the \$86,274.52 disbursements for the 56th fiscal year, \$18,858.47 was for expenses incurred during the 55th fiscal year; and of the \$97,042.81 disbursements for the 57th fiscal year \$12,524.71 was expended for bills incurred in the 56th fiscal year.

The amount of the appropriation for the 56th fiscal year for the maintenance of the penitentiary was \$30,000.00, and the convicts' earnings fund for that year was augmented by an appropriation of \$8,000.00, made by the appropriation act of 1905 for the reimbursement of the penitentiary for brick and other materials furnished other institutions.

The appropriation for maintenance for the 57th fiscal year was \$35,000.00.

The earnings of the convicts for the 56th fiscal year was \$24,448.87, and for the 57th fiscal year \$35,196.11.

On December 1, 1906, the balance on hand in all funds was \$4,078.38; accounts receivable \$6,676.28; accounts payable \$702.92.

Interesting statistics are given in the report as to the cost of maintenance.

The average cost per man for the feeding of officers, employees, guards and prisoners during the 56th fiscal year was \$55.17, and during the 57th fiscal year, \$52.39.

The actual cost of maintaining the penitentiary for the 56th and 57th fiscal year is shown to be \$79,330.60, or an average cost per day per man for the total period of about forty-nine cents.

The cost of those employed on the Scenic Route is higher.

The average number of convicts per day for the 56th fiscal year was 220; for the 57th, 235, making an average for the two years of 227.

Exclusive of jail prisoners and United States prisoners there were on hand December 1, 1904, 223 prisoners, and on December 1, 1906, 259.

During the two years 249 new prisoners were received and 213 were discharged.

While the financial condition of the institution is now satisfactory, its physical condition, in view of the constantly increasing number of convicts, is not what it should be. The capacity of the prison is at the present time severely taxed and it is necessary to put two prisoners in almost every cell, which is not wise. Unless the south wing cell house is quickly completed, there will soon be more prisoners than can possibly be cared for.

Much has been done in the past year toward making necessary improvements and general repairs. The roofs and exterior wood-work have been re-painted, hundreds of broken window panes replaced, a steam laundry installed, the kitchen equipment greatly increased, a new store-house built, as well as two new brick kilns.

The commissioners recommend an appropriation for maintenance for the 59th and 60th fiscal years the same as was made for the 57th and 58th. With such an appropriation and with the receipts for convicts' earnings, it is believed that the increasing number of inmates can be cared for, the south wing cell house completed and further urgent repairs made possible.

Outside the completion of the new cell-house, other improvements are very necessary. At the present time the prisoners are fed in the corridors of the cell-house, which is not conducive to proper sanitation. The kitchen is entirely too small for the requirements of the institution. The installation of an electric power plant is necessary and it would soon pay for itself.

All of these improvements, it is believed, can be completed within two years, if the appropriation for maintenance be made as recommended, and I therefore urge that such recommendation be adopted by the legislature.

The main productive work of the prisoners consists in brick-making and in road building, as has hitherto been the case. There is a constant demand for the brick, the quality being excellent. Every month shows a gratifying increase in the output.

Satisfactory progress has been made upon the Scenic Route, between Las Vegas and Santa Fe. According to the provisions of the law of 1905, it was mandatory upon the prison management to build to the line of the forest reserve on the west, and then to the line of the forest reserve on the east, after which it was required that the road from Raton to the State line be constructed. Owing to the fact that the Santa Fe-Las Vegas Scenic Route, especially those portions of it the building of which has been authorized, is of very difficult construction, the total mileage built

with the number of convicts available has not been great. That which has been built, however, is very well done, and passes through one of the most beautiful sections of our country. The most difficult parts, however, have been completed, and I am of the opinion that it would be wise for the legislature to provide for its completion through the forest reserve, after the short road from Raton to the State line, as now provided for, shall have been completed, before the construction of any other parts of the Camino Real is inaugurated.

There are many parts of the Camino Real which if built would doubtless be of more commercial value to the inhabitants of the country through which they would go, than the road between Las Vegas and Santa Fe, and there are many demands that the construction on such parts of the road be begun. Among them is that place between Las Vegas and Mora and the road from Las Cruces to the Texas boundary. In the building of the latter piece we would have the hearty co-operation and support of the people of El Paso and the Mesilla Valley, who are ready to help in its construction.

INSTITUTIONS FOR THE DEAF AND DUMB, AND FOR THE BLIND, AND  
THE REFORM SCHOOL.

The New Mexico Institute for the Blind is located at Alamogordo, and the Asylum for the Deaf and Dumb is at Santa Fe. Both institutions have very handsome, well constructed buildings, modern and up-to-date in every respect. Neither one is entirely finished and both are larger than necessary for the purpose for which they were established.

The Institute for the Blind was accepted from the contractors on June 2, 1905, and was opened for school in September, 1906. There are now sixteen scholars in the Institute, eight boys and eight girls.

The asylum for the Deaf and Dumb was closed for lack of appropriation in 1902 and 1903; was opened from September, 1905, to June 30, 1906, and again in October, 1906, and now has an attendance of nineteen.

Both institutions are very carefully, conservatively and economically managed under efficient boards who have secured the services of persons well fitted for their particular lines of work. The Asylum for the Deaf and Dumb, however, is seriously handicapped on account of the inadequate appropriation, and the board conclusively shows that if the appropriation is not increased, it will be necessary to close the school. Twenty-eight hundred dollars was the appropriation made by the last legislature and, according

to the report of the board, an appropriation of \$7,500 would be necessary to properly continue its operations. With twenty-five pupils, which would perhaps be difficult to secure, this would mean a cost of \$300 per year to the Territory for each pupil.

In most of the large states the deaf and dumb and blind are cared for in one institution. There is no reason why they should not be so cared for in New Mexico and many reasons why they should. Either of these buildings would be quite sufficient to take care of all the deaf, dumb and blind children whom the Territory should be called upon to educate, for many years to come. The two efficient chief teachers now employed in both should be able to as successfully educate their respective classes of unfortunate children in one, and the expense of maintenance per capita, with the same food and comforts, would be greatly reduced. Certain of the teachers and all of the employes could administer to the needs of all the inmates.

I therefore strongly recommend that these two institutions be amalgamated into one; that the Institute for the Blind at Alamogordo be changed into the "Institute for the Deaf, Dumb and Blind," and that the laws necessary to bring about this change be enacted.

With the growth of the Territory the increasing need of a Reform School, properly conducted, is felt. A considerable sum of money has been spent for the building of such a school at El Rito, and, according to the meagre reports available in regard to the matter, it is still incomplete and would require further appropriations to finish it. The building, as far as constructed, is said to be excellent, but its location is almost universally conceded to be excessively unfortunate. It is far from a railroad and even if it were completed, would be difficult and expensive to operate. Supplies would cost much more, the transportation of its inmates to and fro more costly, and on account of its more remote situation it would be difficult to secure the services of the proper sort of employes and teachers and to carefully supervise it in the way such an institution should be supervised.

There are a number of inmates of the penitentiary at the present time who should be in a reform school, and I am told by the judges of the district courts that there are a good many youthful delinquents in various parts of the Territory who cannot be sent to the penitentiary but should be in such a school.

The building at Santa Fe now used for the deaf and dumb could readily be adapted to a reform school with comparatively little

expense. Its location is appropriate for such a purpose and the advantages of so using it and of having the institution at Santa Fe and on the railroad are manifest. While it may seem at first deplorable to abandon the building at El Rito, after the amount of money that has been spent upon it, it is still more deplorable to follow up one mistake by a constant and continuous mistake at the cost of the taxpayers of the Territory. The building could be cared for and prevented from deteriorating and doubtless before long be put to a better and more appropriate use for the Territory or the County of Rio Arriba, than that for which it was first intended.

I therefore respectfully recommend that provisions be adopted by you for the establishing of the Reform School at Santa Fe in the manner indicated for the reason that I thoroughly believe such an arrangement would result far better from a territorial point of view and from the point of view of the economical and efficient management of the institution and the welfare of its inmates, than if the present status of affairs is maintained.

#### NORMAL SCHOOLS.

The Territorial Normal Schools situated at Las Vegas and Silver City are institutions which undoubtedly deserve the continued support of the people of New Mexico. Properly educated teachers for the instruction of our rural population, and especially of the children of Spanish and Mexican descent in the more remote sections of the Territory, are urgently needed. Many such teachers are being educated at these institutions. Both of the institutions, however, receive a larger number of local pupils who are instructed in lines not calculated to prepare them particularly for the profession of teaching than would seem desirable. While the very illuminative discussion of this phase of the situation, contained in the report of the Regents of the Normal University at Las Vegas, throws much light on the question and would seem to indicate that it is a situation made necessary to some extent by the peculiar educational conditions existing in the Territory, I believe that it should be the constant effort in these, as in other territorial institutions, to confine their activities, as far as possible, to the lines of instruction for which the schools were created. The constant policy of the Regents of the schools themselves, and of the legislatures who enact laws for their maintenance should, in my opinion, be directed towards this end.

#### BUREAU OF IMMIGRATION.

I invite your careful consideration to the comprehensive report

of the Secretary of the Bureau of Immigration for the period commencing December 1, 1904, and ending November 30, 1906.

There are six members of the Bureau and a secretary not a member, who is appointed by the Bureau, and is the executive officer thereof. The work of the secretary consists in the preparing, printing, publishing and distribution of books and pamphlets descriptive of the resources, conditions, climate, lands, and other phases connected with the advance and progress of the Territory, for the purpose of inducing immigration and capital into New Mexico. The work of the Bureau for the ensuing year, the disposition of its funds and its general policy are, it is said in the secretary's report, outlined and decided upon by the members of the Bureau at their meetings.

According to the report there were, during the period for which the report is made, published and distributed by the secretary of the Bureau 300 copies of a book called "Mines and Minerals of New Mexico," 14,000 copies of a booklet entitled "Ho, to the Land of Sunshine," 1,000 booklets entitled "How I Cured Myself of Consumption in New Mexico," 3,000 Bernalillo county pamphlets, 5,000 San Juan county pamphlets, 2,000 Santa Fe county pamphlets, 500 pamphlets on New Mexico mines, and 3,000 copies, second edition, of the 446 page book called "To the Land of Sunshine."

The book "To the Land of Sunshine," was originally prepared and published by Mr. Max. Frost and others for distribution at the World's Fair in St. Louis, and cost the Territory through the Board of Exposition Managers the sum of about \$1,500.00. There was then prepared by the Bureau of Immigration another edition of the work which was the same as that used for the Exposition Board with the exception of a few pages; for which there was paid the publisher by the Bureau of Immigration about \$300.00. During the past year the new edition mentioned in the report of the Secretary of the Bureau was prepared. Towards the expenses of the publication of this edition the Bureau paid, according to the report of the Public Printer, the sum of \$2,148.16. This book has cost the Territory in one way and another \$4,000.00 or more. Many testimonials as to its merits are contained in the report of the Secretary of the Bureau of Immigration.

Over 1,200 copies of the book were distributed by Delegate Andrews, and letters commending it written by him, by Senator Penrose and the Hon. E. L. Hamilton are included in the report.

The valuable book on Mines and Minerals of New Mexico, by

Professor Fayette A. Jones, was also originally compiled, published and paid for by the St. Louis Exposition Board.

There can be no doubt, as the many testimonials contained in the Secretary's report attest, but that both of these volumes are interesting and instructive and that they contain considerable valuable and accurate information. Pictorially they are attractive, being full of illustrations furnished by the New Mexican Publishing Company of Santa Fe.

Outside of the county bulletins on San Juan, Santa Fe and Bernalillo counties published and distributed during the last two years, there were several thousand copies of old bulletins on various other counties of the Territory distributed during the same period.

The booklet "Ho, to the Land of Sunshine," has been generally commended by the passenger and advertising agents of the railroads and by others, and is an excellent publication for advertising purposes. The railroads could well afford to buy thousands of copies of this pamphlet to increase the business on their lines.

The question as to whether the Territory is justified in appropriating considerable sums of money to pay for the compilation and printing of publications of this nature, is one which merits your serious consideration. Since 1890 about \$60,000 has been appropriated and spent for the maintenance of this Bureau. Many thousands of pounds of various kinds of matter have been sent out by the Bureau and large quantities are still on hand. Much of this matter has been good, but a great deal of it inaccurate and exaggerated and not up-to-date. All parts of the Territory have not been equally well treated as far as county bulletins are concerned. It would be impossible without even a far larger appropriation for the Territory to pay for all the publications useful in advertising the resources of the different rapidly developing and changing counties of the Territory.

The Boards of Trade of the various cities and towns, the various county organizations, the land companies, the railroad companies and all who immediately profit by such advertising matter, are much better fitted to prepare it than a central official located at the Capital, where interest in the publications cannot be the same as those more intimately concerned in the results of the advertising itself.

There is no good reason why the taxpayers should be subject to a territorial tax for the payment of this sort of expense, inasmuch as in most of the progressive counties the necessary adver-

tising is being done in a much more thorough way than it can be by the Bureau in whose successive publications there is necessarily much repetition in text and illustration.

The Secretary of the Bureau reports that during the past two years over 5,000 letters had been answered by him. Many of these have been sent him by territorial officials who in case the Bureau did not exist could doubtless have answered themselves. It would not be impracticable for all territorial officers to be furnished with pamphlets much in the nature of the one entitled "Ho, to the Land of Sunshine" which could be bought direct from the publisher, and could be used in answer to general letters of inquiry.

While I am desirous of giving full credit for the good that may have been accomplished by this Bureau, I am of the opinion that the expense of its support and maintenance is not a proper one for the Territory to incur, and I therefore recommend that such expense be discontinued and that the Bureau be abolished.

#### PUBLIC PRINTING.

Sections 2611 to 2616 of the Compiled Laws of 1897 provide for a Public Printer to be elected by the joint ballot of both Houses of the General Assembly. Section 2612 requires that all territorial offices shall give their printing to the Public Printer, and contains no other provision for the payment of such printing except that the Public Printer may exact the same rate as that charged by the United States for similar printing, and for binding not more than twenty-five per cent in excess of that charged by the United States government for similar work. While this section of the Act provides that all printing shall be given the Public Printer, Section 2615 is inconsistent therewith, and sets forth that it shall be the duty of all territorial, county, and municipal officers, who purchase or contract for official printing to procure the same to be done within the Territory upon the lowest and best terms possible.

However, it seems to have been the custom for several years past for most public officials to act in accordance with Section 2612 and give their work to the Public Printer appointed by the legislature, or his deputy. The report of the Public Printer hereto annexed shows that from March, 1905, to December, 1906, the total amount expended by the Public Printer was \$16,699.72, between \$8,000 and \$9,000 per year. This amount was divided between twenty-three offices and boards, but of the total amount about three-fourths comes under three departments, namely "The



Territory of New Mexico," The Bureau of Immigration, and the Weather Bureau. Four thousand three hundred ninety-three dollars and eighty-eight cents was spent by the Bureau of Immigration.

It seems to have been contemplated by the Act in question that the territorial printing and binding should be done by the Public Printer himself, inasmuch as the Act provides that he shall do all such public work promptly and no other person shall receive payment for such printing or work.

The amount of printing necessary to carry on the business of the Territory is not great. If the Bureau of Immigration expenses were excluded and the lowest commercial prices obtained, it would probably not amount to more than \$3,500 per year. It does not seem that this amount of work necessitates the somewhat elaborate machinery provided by the first part of this law. I cannot see why the Territory should be in any different position in this respect than an individual or private business corporation. By a careful investigation of the many items contained in the Public Printer's report I find that the prices charged by him are greatly in excess of what the same work could have been done for elsewhere and if awarded by contract to the lowest responsible bidder, or what it would have been done for by the same establishment that performed the work for the Territory if the printing had been awarded under the system of competitive bids. The percentage of excess in the prices charged by the Public Printer for the work done for the various public departments, over what the same work could have been done for elsewhere, is as follows:

Superintendent of Public Instruction—From 10 to 168 per cent.

Commissioner of Public Lands—From 62 to 135 per cent.

Weather Bureau—From 5 to 92 per cent.

Insurance Commissioner—From 5 to 245 per cent.

"Territory of New Mexico"—About 40 per cent.

Bureau of Immigration—From 63 to 124 per cent.

These represent items taken at random from the report of the Public Printer.

If the Public Printer elected by the legislature farms out the work to others, it is presumably necessary that both he and the party who actually does the work make a reasonable profit. There is absolutely no necessity that a greater profit should be paid by the Territory than by the individual. Outside of certain large and rich states such as Kansas and California, which have their own printing establishments, there are very few states in the Union at present that do not let their printing contracts to the

lowest bidder. The detail provisions under which this is done differs in different states, but the object to be obtained is the same, that is to say, to secure the best work for the lowest possible price. I am of the opinion that this might easily be done in the case of New Mexico, by the repeal of all the sections referred to above except Section 2615, of the Compiled Laws of 1897. This would be the most simple way of adjusting this matter to the satisfaction of the taxpayers.

If, however, it should not be your desire to adjust the question in this manner I would suggest that the present law be entirely repealed and another one enacted in its place which will in a feasible way bring about the desired result, and I would suggest that after careful study of the question the laws of New York and Colorado have many excellent provisions which would be of much use in the drawing up of such a bill.

#### CATTLE AND SHEEP SANITARY BOARDS.

The raising of sheep and cattle are the two most important industries in the Territory. The organization and conduct of the Sheep and Cattle Sanitary Boards is a matter of much importance not only to the stock-raisers but to the Territory at large. I invite your careful attention to the very thorough reports of these two boards.

The report of the Sheep Sanitary Board gives a full account of the methods of carrying on its business, and of the receipts and expenditures of that board, not only for the last two years but since the law was enacted creating it. Since its organization \$88,597.96 have been received from fees on outgoing and incoming sheep, from the territorial tax on sheep, from fines and other sources; and \$72,898.54 have been expended for inspectors' pay, salaries and other expenses. There is on hand a surplus of \$15,699.42. Fifty-two inspectors are employed in various parts of the Territory. There has been thorough co-operation between the board and the Bureau of Animal Industry of the Department of Agriculture, in the fight to eliminate diseases from the sheep of the Territory, and the amount of surplus has been allowed to accumulate in order that when the Bureau of Animal Industry shall be ready to start a vigorous and final movement for the eradication of scabbies throughout the Territory, the board may have sufficient funds on hand to supply the extra employees which will be necessary to bring all the sheep to the dipping plants where the government supervisors are directing the operation of dipping. Assurance has been given that this will take place next year.

The sheep grower of New Mexico, like all other business men who depend upon the railroads for transporting their product, has during the past year suffered great financial loss through inability to secure cars, and the board suggests that the territorial legislature, if it has any power to pass laws on this subject, should enact legislation either in the way of compelling the railroads to furnish cars upon reasonable notice, or in the way of giving intending shippers a right of action for damages actually suffered.

Similar conditions have existed during the past year in regard to cattle shipments, and cattle raisers have suffered severe losses on account of the lack of cars. This is a grave matter which is being thoroughly investigated by the Interstate Commerce Commission, and before any legislation is passed, thorough examination of the hearings of that Commission on the subject would be advisable.

The Cattle Sanitary Board, which has also been very efficiently managed, recommends the amendment of the law governing the sale of estrays, as the present procedure is so long, cumbersome and expensive that few persons take advantage of it. The board also recommends certain amendments to the mange law. There is also a general demand from the stockmen from all over the Territory that the hide law be so amended that hide buyers shall be forced to mark each hide purchase before inspection with some mark or tag showing from whom the hide was purchased. I would respectfully recommend such amendment.

The Solicitor of the Department of Agriculture of the general government has also recommended to me, upon my request for his opinion, certain changes in our inspection laws, and as it is to our greatest interest to co-operate in every way with the Bureau, I recommend that such suggestions be adopted.

#### EDUCATION.

In connection with the cause of education many gratifying things may be said, but it is wise for us to know the exact conditions. Our educational interests as they now exist are the creation of a comparatively few years. During this period the school laws of New Mexico have been frequently revised and remodeled. In doing this they have become unnecessarily bulky; many contradictions and inconsistencies can be found in them. In some places the language is such that the trained lawyer interprets it doubtfully. The law has served a good purpose, but it would do much for the cause of education if the legislature would create a small, competent commission to co-operate with the Territorial

Board of Education in making a complete revision or re-writing of the existing laws.

In every enterprise, no matter what its nature, the most important factor is competent supervision. Whether there be ten employes or one hundred or one thousand, the proprietor is chiefly anxious that he may get a competent foreman. This principle applies with great force to the work of education. In city schools the most important employe is the superintendent. The same is true for a county with its ten, twenty, or seventy teachers. The county superintendent is the most important factor in our school administration. The most competent, from an educational standpoint, should be placed in this office. The tendency in all the older states is to remove this office from politics.

I recommend that such legislation be had as will, at the close of the terms of the present incumbents, secure the most competent, regardless of political affiliation; also legislation that will make women eligible to office.

The salaries of county school superintendents should be re-adjusted. At present the salary is gauged by the legal classification of the county. The amount of tax that a county pays into the territorial treasury is no criterion as to the duties and services demanded of a county superintendent. For instance, Luna county is classed "C" and the superintendent receives \$900 salary per annum. Outside the corporation of Deming, over which the county superintendent has no jurisdiction, there are but four schools, thus giving the superintendent \$225 for each school. Besides, this county is one of the smallest in area. Rio Arriba county is said to be nearly 200 miles long and 100 miles wide, and has in it about sixty districts, yet the superintendent's salary is only \$400. Thus the superintendent receives \$7 per district, to reach which he must travel long distances at considerable expense. Much the same comparison may be made with McKinley county, which has but four schools outside the corporation of Gallup; yet the superintendent receives the same salary as that of Rio Arriba county.

The present system of examining and certificating of teachers is neither entirely satisfactory nor efficient. The boards of examiners are rarely sufficiently familiar with modern educational conditions and methods to judicially pass upon the qualifications of teachers. As there are twenty-five such boards there can hardly fail to be twenty-five standards for marking the answers to the same questions. Statistics show that these examinations have cost during the past year a little over \$2,000. Conditions in

New Mexico differ so widely that it is impossible to frame legislation with sufficient elasticity to properly meet those different conditions. In some of the states, this whole matter of examining teachers is given into the hands of either the State Board of Education, or a Board of Examiners created especially for this purpose.

I recommend that the powers and duties of the Territorial Board of Education and the Superintendent of Public Instruction be enlarged, and this matter be entrusted to them. By doing so it may be more satisfactorily done and at least 60 per cent of the expense will be saved.

It is a well recognized principle that a free democratic people *must* be educated. It is well for us, humiliating though it may be, to know just where New Mexico stands in intelligence. According to the reports of the United States Commissioner of Education for 1900, New Mexico stood 47th in a column of 50 for illiteracy. The per cent of the illiterate population above ten years of age in New Mexico was 33.2 whilst the average of the whole United States was about 10 per cent of the entire population. It is gratifying to state, however, that between 1890 and 1900 the percentage of illiteracy decreased from 44.5 to 33.2 per cent and has doubtless decreased since 1900. In a commonwealth every citizen is directly interested in the education of every other. To have universal education the rich must help the poor, the strong the weak. In some states a state tax is collected in proportion to the assessed valuation, and distributed in proportion to the school enumeration. In Indiana, for instance, a tax of 11 cents on the \$100 is assessed and distributed in this manner. A letter just received from the State Superintendent of Public Instruction gives the following concrete examples of taxes paid in and received in return. These statistics are taken from his late January apportionment:

County.	Amount paid into Treasury.	Amount re- ceived in return.
Henry.....	11,690.80	9,712.56
Marion.....	95,936.52	79,910.95
Montgomery.....	14,123.64	11,793.21
Warren.....	6,250.69	4,292.86
Clay.....	7,702.42	15,405.39
Crawford.....	1,565.38	6,001.71
Dubois.....	3,885.06	9,972.51
Perry.....	2,180.72	9,233.51
These are samples only. Thus the strong helps the weak, the		

rich the poor, and the whole people become educated. Before there can be even an approximate uniformity of education in New Mexico, something of the same principle must be resorted to.

Experience shows that the best system of raising money for educational purposes is a judicious combination of state and national aid with local taxation. This territorial appropriation might be made on condition that it be reasonably supplemented by local levies. Our laws providing for special levies are amply sufficient, if the people will use them. But, only a comparatively small portion of country districts avail themselves of this privilege. In short, local taxation for school purposes is very small. But some people do not know the value of education. Those that do cannot afford that these, their neighbors and fellow citizens, remain ignorant. Therefore, as a matter of self protection, they must help to get the ignorant wakened up to their privileges.

#### MILITIA.

While the force of the National Guard of the Territory is in number not great, the officers and men deserve much credit for the way in which they handled themselves both at the practice encampment which took place with the members of the National Guard of other states and troops of the Regular Army at Austin, Texas, in August last, and at the rifle competition at Seagirt in September.

Members of our militia were deservedly complimented by the United States officers on both of these occasions.

It is in spite of many handicaps that the Territorial Militia is kept up to a state of efficiency in time of peace, and much credit is due to the efficient supervision of Adjutant General Tarkington. The War Department at Washington is taking increasing interest in the military organizations of the states and territories, and the amount appropriated by the Federal government for New Mexico has been increased during the past year. This appropriation, however, can be used only for certain specific purposes, and in order to continue the receipt of it it is necessary that our militia pass rigid annual inspections.

One of the gravest drawbacks against the maintenance of our military organization is the lack of armories. I therefore join in the recommendation of the Adjutant General that the appropriation for armory rents be increased, also that a reasonable appropriation be made enabling him to employ clerical assistance for part of the year.

Slight increases in these two respects would result in greatly increasing the efficiency of our militia.

## IRRIGATION LAWS.

The last legislature passed a very comprehensive law creating the office of Territorial Irrigation Engineer and to promote irrigation development. In many respects the law was a good one, but from the experience of the past two years it has in general proven too extensive to be properly carried out in New Mexico. Its general provisions as to water rights, appropriation and eminent domain, etc., are satisfactory. The provisions as to the duties of the engineer would be useful if the duties defined were carried out. The law further provides for dividing the Territory into water divisions, and for the appointment of an irrigation commissioner from each division, which commissioner with the engineer shall constitute a board of control. These commissioners are given a great many specific duties which, if fulfilled, would necessitate that each one of them should be an irrigation engineer of experience, and also that they should give their full time to the duties of the office. Such men cannot be obtained and therefore that part of the law, in regard to the board of control has, according to the opinion of its members themselves, proven futile and almost entirely barren of results. The meetings of the board as provided by law incur an unnecessary expense to the Territory.

The most useful work that can be done by the Territorial Irrigation Engineer is to obtain and compile full and accurate statistics in regard to the flow of streams and irrigation possibilities of the Territory, for the purpose of encouraging the construction by private capital, or otherwise, of irrigation enterprises, which will inure to the benefit of the Territory. The law provides for such work, but very little has been done. Much of the future prosperity of the Territory depends upon the work done within her boundaries by the National Reclamation Service. Already several very important projects have been inaugurated by that service, and it is reasonable to expect that others will be. Their investigations result not only in the building of projects by the Federal government, but in the encouragement of private corporations to build them.

I have received intimations from the engineer in charge of the Reclamation Service, that he would be willing to co-operate with the territorial authorities in hydrographic work and in investigations of matters pertaining to irrigation. In a number of western states they have already arranged a satisfactory form of co-operation with the state engineer. In such co-operation the Federal government generally contributes one-half of the expenses and

the state or territorial government the remainder, frequently by utilizing suitable appropriations made for state engineering operations. In this way, by having a systematic organization, and by following methods of work developed through years of experience, be able to produce results of value to the state or territory and to the government with the highest economy.

The Reclamation Service indicates that it would be practical for them to aid in greatly increasing the value of investigation of water resources of New Mexico, and obtain facts of vital importance to the government and the Territory in this manner.

I deem it highly desirable that this co-operation between the territorial government and the National Reclamation Service be brought about. In order to bring it about with the best economy, our law should be changed in certain respects to conform more fully with the law suggested by the Reclamation Service, which is in many respects similar to the act passed by the last legislature.

I recommend that all that part of our law relating to the Board of Control be repealed and that our efforts, at present at least, be confined to the operations of the Irrigation Engineer himself, on such lines as will bring about the desired co-operation with the Federal government.

#### ARTESIAN WELLS.

The law providing for the inspection of artesian wells and the creation of artesian districts passed by the last legislature, has proven a very wise and useful one. The constitutionality of part of the law was questioned, but was confirmed by the court. One district comprised of Chaves, Eddy and Roosevelt counties was created and an inspector appointed. There are no wells in Roosevelt county. The artesian district in Chaves and Eddy counties is about 60 miles long and 10 wide and comprises about 600 square miles.

There are now 301 wells in Chaves county and 166 in Eddy county. Careful quarterly inspections made of the wells in both counties show considerable variance in the pressure at different times of year, dependent apparently, in some degree at least, on the amount of water used. The change in pressure varies in different parts of the district but the result of the observations for the past two years undoubtedly shows a somewhat decreased flow throughout the district, slight in some places and more pronounced in others. Whether this decrease will continue is not certain. If it does, the suggestions made that action should be taken to limit the number of wells drilled should be considered.



Various minor changes should be made in the law to make its enforcement more effective. Very great good has resulted in the law in forcing the capping of uncapped wells and preventing waste.

#### SUPERINTENDENT OF INSURANCE.

The law creating the department of Superintendent of Insurance became effective on March 9, 1905, and has proven a source of considerable additional revenue to the Territory. Since its creation up to November 30, 1906, the sums received by the office have amounted to \$34,073.59.

It has proven effective in forcing a proper supervision on the class of companies doing business in the Territory.

#### COAL OIL INSPECTION.

With thoroughly efficient inspection which it is possible, although difficult, to obtain under the provisions of the coal oil inspection law passed by the last legislature, the quality of coal oil and gasoline sold in the Territory can undoubtedly be kept up to a higher standard than would be the case if such a law did not exist and were not enforced. It is undoubtedly true that the general quality of both coal oil and gasoline now sold in the Territory is considerably superior to that in use a year ago. This is due to the fact that a more thorough inspection, under the provisions of the act, was inaugurated in May, 1906. The Territory was divided into fourteen districts and a resident deputy inspector was appointed in each district. A specific set of rules and regulations for the guidance of deputy inspectors was drawn up and each was furnished with a full set of testing instruments. Most of these deputies have conscientiously carried out their instructions and carried on careful inspection. A good many shipments of oil have been condemned, resulting almost invariably in no more such shipments to the points where such condemnation took place. A relaxation in the vigilance of the deputies naturally results in the shipment of oil of less good quality into the districts under their charge.

The oil companies are quick to respond if they understand that the law is to be enforced, because the fire test imposed by the law while sufficiently high to insure a fairly good quality of oil to the consumer, is not high enough to impose any hardship on the manufacturers. If, however, the inspectors sometimes relax their vigilance, the companies never do.

The usefulness of the law depends entirely, as is the case with most laws, upon the manner in which it is enforced. With good deputies properly and carefully supervised the law is a good one, otherwise it is a bad one, because it would sometimes result in

putting an official territorial quarantine on a dangerous product. Should the law continue on our statute books, various minor amendments should be made to it.

The coal oil inspector reports that during the year 1906 there were inspected 744,140.9 gallons of coal oil, and 243,857 gallons of gasoline. Of this 720,111.9 gallons of coal oil, and 239,087 gallons of gasoline were shipped into the Territory by the Continental Oil Company.

#### MOUNTED POLICE.

The organization of a force of Territorial Mounted Police by the last legislature has proven to be a wise measure and one which has resulted in great good to the people of the Territory. As shown by the report of the captain of the force the total cost of the company from April, 1905, to January 1, 1907, was \$22,981.46, or an average of \$1,094.35 per month. As the captain remarks in his report, this would appear at first glance as a new charge to the taxpayers of the Territory, when in reality a large portion of this money would have been paid by the counties to their local officers had the mounted police not been in existence. The number of arrests by the members of the force has been large which, in itself, shows great activity. But aside from the good effects of the organization in materially aiding in the enforcement of the law, the great good which has been accomplished is in preventing infringements of the law. This has resulted not only in a much larger financial saving to the Territory than the amount paid out for maintaining the organization, but what is of much more importance, in the saving of life and property and instilling into bad people of many parts of the Territory, a greater fear of the law and assuring to good citizens a greater degree of safety and confidence. There are now very few of the local officers in the various counties who do not welcome the aid of the members of the force. The latter respond as promptly as possible when they are called upon by such local officers; but they do not in any way force their service unless the exigencies of the case make it imperative.

I believe a large majority of the people of the Territory are strongly in favor not only of seeing the organization continued, but of giving it somewhat more power for good. I therefore join in the recommendation of the captain of the Mounted Police that the salaries of the privates may be slightly increased and that three more men and a clerk be added to the force.

## TERRITORIAL DEPOSITORIES.

Section 255 of the Compiled Laws of 1897 provides that only banks with a paid up capital of \$50,000 are entitled to become depositories of territorial funds, and as the national banking act allows the organization of national banks with a paid up capital of \$25,000, and our territorial laws provide for the organization of banks of discount and deposit with a \$30,000 paid up capital and also allow the establishment of savings banks with as low a paid up capital as \$15,000, all of these banks located in the more sparsely settled communities of the Territory, and having small capital, are barred, under the said Section 255, from making application and qualifying as territorial depositories. As a result the Territory has at all times more or less funds on hand that do not draw interest, for the reason that we do not have in the Territory, a sufficient number of larger capitalized banks to apply for the cash balances carried on an average, in the hands of our territorial treasurer.

At the present time the treasury has funds to the amount of about \$90,000 in excess of the applications of the banks of the Territory which are eligible to become depositories. During the years 1907 and 1908, \$150,000 of territorial bonds will mature; \$50,000 May 1907, \$50,000 November 1907, and \$50,000 May 1908, after which time no more territorial bonds will become due and payable until 1919, and the sinking fund for the redemption of bonded indebtedness will continue to grow until that date, and in view of this condition I would recommend that Section 255 of the Compiled Laws of 1897 be amended as follows: By striking out the words "fifty thousand" in the third line and inserting in lieu thereof the words "twenty-five thousand." This would largely increase the number of depositories and would insure that all funds in the treasury not needed for immediate use could draw interest, and mean an increased revenue to the Territory of at least \$1,500.00 per year.

I further recommend that an act be passed making it the duty of the several Boards of Regents of the several public institutions to designate one or more depositories for the moneys of such institutions, which depositories shall be either a national bank, or a bank organized under the territorial laws, and that each such depository shall give a bond to the Territory in a sum equal to the probable amount such depository may have deposited with it at any one time, and such depository shall pay interest on monthly average balances, as may be agreed upon by such depository and such boards.

## PUBLIC LANDS.

I invite your very close and serious consideration to the comprehensive report of the Commissioner of Public Lands, in which he fully sets forth the conditions now existing in regard to the lands granted to the Territory for the benefit of territorial institutions under the Act of Congress of June 21, 1898. He shows the inconsistencies in the territorial laws relating to the management of these lands and makes full recommendations for the amendment of these laws, and for the enactment of new ones, some of which it is absolutely necessary should be enacted in order to bring our statutes into harmony with rulings which the Department of the Interior has made during the past two years.

This is a matter which naturally concerns the welfare and future prosperity of all our public institutions, and which it is essential should be properly adjusted at this session of the legislature. Many of the lands selected by the Territory under the Act of Congress are rapidly increasing in value with the constant influx of new settlers into the Territory, and every possible precaution should be taken to make our lands produce as large an income as possible for the institutions, for the benefit of which they were granted to the Territory. This cannot be done without some radical changes in the laws.

## FOREST RESERVE TEN PER CENT FUND.

In the Agricultural Appropriation Act for 1907, approved June 30, 1906, found on page 17 of the Act making appropriations for the Department of Agriculture, the following provision is contained:

"That ten percentum of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial Legislature may prescribe for the benefit of the public schools and and public roads of the county or counties in which the forest reserve is situated: Provided, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportioned to its area therein: And provided further, That there shall not be paid to any State or Territory for any county an amount equal to more than forty percentum of the total income of such county from all other sources."

This provision of the federal law was called to my attention by the Comptroller of the Treasury who decided that the pro-

visions contained in said Act did not authorize the payment to any State or Territory of an amount greater than 40 per cent of the total income from all sources of the counties in which the forest reserves are located.

In order to carry out the provisions of the Act I was requested by the Federal government to furnish a statement showing the total income for the past year, from all sources, of the counties in this Territory in which reserves are located in whole or in part, and upon investigation found the total receipts from all sources for the fiscal year ending June 30, 1906, of such counties were as follows:

Grant.....	\$112,526.01
Lincoln.....	42,505.73
Mora.....	39,009.83
Otero.....	83,023.67
Rio Arriba.....	50,752.91
Roosevelt.....	26,329.38
Sandoval.....	22,351.19
San Miguel.....	151,188.10
Santa Fe.....	92,941.43
Sierra.....	42,284.64
Socorro.....	92,979.18
Taos.....	29,784.65

The Federal government being satisfied that the amount available under the Act cited above, for the Territory of New Mexico, did not exceed 40 per cent of the total income of such counties, the Treasury Department on December 12th last sent to me a warrant for \$4,672.70, representing 10 per centum of all money collected from forest reserves located in New Mexico. This sum was received from the said forest reserves as follows:

Gila.....	\$2,479.07
Jemez.....	1,520.55
Lincoln.....	256.78
Pecos River.....	226.72
Portales.....	189.58

The amount has been deposited with the Territorial Treasurer with instructions to hold same pending its proper disposition under the Act of Congress by the Territorial Legislature.

It therefore becomes the duty of this Legislature to pass a law for the disposition of this money, and of all further sums of money which shall be paid in the future to the territorial government for the same purposes, and I desire especially to call your attention to that provision of the law which says that the legisla-

ture may expend these sums for the benefit of the public schools and public roads of the county or counties in which the reserve is situated. The law also limits the action of the legislature by providing that when a forest reserve is in more than one county, the distributive share to each county from the proceeds of said reserve shall be proportional to its area therein. As the amount of income from this source will doubtless greatly increase from year to year, both on account of the larger amount of fees received from the reserves which were established when last year's distribution was made, and because of the large acreage of new reserves which have since been established, I recommend your careful consideration in the preparation of a law for the disposition of this income. The total acreage of forest reserves in New Mexico at present is 6,982,406.

#### GAME LAWS.

Conditions in the Territory in respect to the protection of game and fish have somewhat improved in the past two years, and many of our game birds and animals are now more numerous than for some time, but, owing to the fact that the Territorial Game Warden has not received sufficient support from the Territorial and county peace officers and from the courts, and because of defects in our laws, such improvement is by no means what it should be.

The passage of a new game law providing for the license system, which has been adopted in thirty-six states, is urgently needed. The plan for raising funds for the protection of game by the sale of licenses, has proven the most successful thus far devised. The funds derived from this source are in many states very considerable and are usually used directly for the protection of game. The protection of our wild animals and birds is a matter of great importance, and I urgently recommend that you pass a license law, which will make it possible for the Game Warden to afford such protection in fact as well as in theory.

#### MEDICAL LAW.

The Territorial Board of Health strongly recommends certain changes in the present law regulating the practice of medicine in New Mexico. A large majority of the states of the Union have laws providing that applicants for license to practice medicine must present a diploma from a reputable medical college and also pass a satisfactory examination. The New Mexico law requires only that the applicant shall be a graduate of one of the medical colleges listed by the Board of Health, and makes no provision for any kind of examination, a situation which for several reasons

frequently results in great injustice to worthy applicants, and also in the issuance of licenses to some unworthy ones. In this Territory applicants for the practice of law, of dentistry and of pharmacy must submit to examination, and I heartily concur in the recommendation of the Board of Health that a law be passed making it necessary that applicants to practice medicine shall not only have certificates from reputable medical colleges, but also pass examinations satisfactory to the board.

#### UNIFORM DIVORCE LAW.

The President of the United States in his message to Congress on January 30, 1905, said:

"The institution of marriage is of course at the very foundation of our social organization and all influences that affect that institution are of vital concern to the people of the whole country. There is a widespread conviction that the divorce laws are dangerously lax and indifferently administered in some of the states, resulting in a diminishing regard for the sanctity of marriage relation. The hope is entertained that co-operation amongst the several states can be secured to the end that there may be enacted upon the subject of marriage and divorce uniform laws, containing all possible safeguards for the security of the family."

And again in his message of December 3, 1906, he said:

"At present the wide differences in the laws of the different states on this subject result in scandals and abuses; and surely there is nothing so vitally essential to the welfare of the nation; nothing around which the nation should so bind itself to throw every safeguard as the home life of the average citizen."

In accordance with the suggestion of the President, Governor Pennypacker, of Pennsylvania, called a congress of the various states to meet at Philadelphia on November 13, 1906, to draw up a divorce law to be submitted to the legislatures of the various states, in order to secure, as nearly as might be possible, uniform statutes upon the subject of divorce throughout the nation. Delegates from over forty states and territories were represented at the Congress including among their number many statesmen and lawyers of prominence. New Mexico was very worthily represented by Mr. Francis Tracy Tobin who deserves much credit from the people of the Territory for the part he took in this important Congress. The Congress after sitting from February 19 to February 23 and on November 13 and 14, 1906, and after careful consideration drew up a uniform law relating to the annulment of

marriage and divorce, to be submitted to the legislature of the various states. This proposed law, as well as one providing for the return of statistics relating to divorce proceedings, has been published by the officers of the Congress, and is submitted herewith as part of this message.

There can be no doubt as to the great desirability of uniform laws throughout the United States in regard to this and some other important subjects, nor is there any doubt the proposed law is better than that now on the statute books of this Territory.

I strongly recommend that both the laws proposed by the National Congress on divorce be given serious consideration by the legislature, and that they be passed as nearly as possible in the form recommended as may be found consistent with the special needs of this Territory.

#### POLL TAX.

At the general election held in 1904 there were more than 43,000 votes cast, and it is safe to assume that all these voters were liable to poll tax. At the same election about 65,000 voters were registered, and it is safe to assume that of the 22,000 in round numbers who did not vote, a large percentage were also liable for poll tax. However, notwithstanding these figures, for the year 1904 there was collected by the different clerks of the school districts of the Territory, and paid into the hands of the county treasurers, who are ex-officio treasurers of the various school boards in their respective counties, only \$11,891, and for 1905, \$11,952. From this showing it is apparent that a large amount of money, more than \$40,000 per annum, does not find its way into the hands of county treasurers for the benefit of school funds, either through failure to collect by clerks of the different school boards, or if collected, not properly accounted for.

This condition is no doubt partially the fault of our statutes, and I would therefore recommend that the law as it now exists be so amended as to insure a better collection of this tax.

#### COUNTY AND SCHOOL DISTRICT BONDED INDEBTEDNESS.

The records in the several counties and school districts, in reference to county and school district bonded indebtedness in past years, has been very loosely kept. The proper records are now being placed in the offices of the respective county treasurers; but to insure proper records I would recommend that a law be enacted requiring proper officers of both county and school districts, when issuing new bonds, refunding old bonds or funding floating indebtedness, to file in the office of the Traveling Auditor a certificate setting forth in full the transactions, and giving full



data regarding the amount of the issue, the law under which issued, the number and amount of respective bonds, date, maturing and optional period, rate of interest and purpose for which bonds were issued. In the case of refunding floating indebtedness, a full and complete list comprising such indebtedness, and such information and data to be entered in a record provided for that purpose in the office of the Traveling Auditor.

#### BONDS OF TERRITORIAL AND COUNTY OFFICERS.

I would recommend that Section 1, Chapter 106, Laws of 1905, entitled "An Act to provide for the Furnishing of Proper Bonds by Territorial and County Officials," be amended by adding after the word "given" at the end of the twelfth line a comma in place of the colon and adding the following words: "and all such bonds shall be in form as prescribed and approved by the Attorney General."

And I recommend that Section 2 of Chapter 106 of the Laws of 1905, relative to the bonds given by municipal and county treasurers be amended to include the bonds given by such county treasurers as custodians of the school funds, and that the amount of all bonds for municipal and county treasurers, and for county treasurers as custodians of the school funds, be thirty-five per centum of the aggregate collections made during the preceding year, instead of twenty-five per cent. At some seasons of the year there is more money on hand than twenty-five per cent of the yearly collection.

I would also recommend that Section 3 of said Chapter 106 be amended as follows: By striking out the words, after the word "of" in the fifth line, "four dollars per one thousand dollars for any amount less than one thousand dollars," and insert in lieu thereof the words "two dollars and fifty cents per one thousand for any amount less than three hundred thousand dollars and more than one hundred thousand dollars, and for amounts less than one hundred thousand dollars and more than fifteen thousand dollars, the rate per one thousand shall not exceed the sum of three dollars, and for amounts less than fifteen thousand dollars, the rate per one thousand shall not exceed the sum of three dollars and fifty cents."

#### DISQUALIFICATION OF WITNESSES.

I recommend that Chapter LVIII of the Session Laws of 1901 be repealed. This Act repealed Section 3016 of the Compiled Laws of 1897 providing for the qualification of witnesses and contains a provision that no person offered as a witness shall be competent to give testimony in any case who shall have been con-

victed and sentenced for the commission of any felony or infamous crime, unless he shall have been first pardoned or restored to full rights of citizenship.

It frequently happens that, in criminal cases, the most important witness for the Territory is himself already convicted of crime and that, the disqualification under this Act preventing him from testifying, a criminal actually guilty of an equally or more heinous offense cannot be convicted for lack of evidence. The state of affairs brought about by this law is repeatedly used as a lever to induce the Governor to pardon a criminal already in the penitentiary in order to attempt to convict another criminal not yet put to trial. When such a pardon is issued the credibility of the witness receiving it is, in the mind of the average juror, not as great as it would be if he were taken from the penitentiary for the purpose of giving his evidence and returned there after such evidence had been taken. In the one case he will be subject to the suspicion that he was pardoned for a specific purpose and on condition that he give particular testimony, while in the other the truth and sincerity of his testimony and his general attitude on the witness stand would doubtless be taken in consideration by the penitentiary authorities and the Governor in making up his record, and at the same time his testimony would carry more weight than if he had been pardoned for the purpose of giving it. I am informed that this law is one of that pernicious class which was passed to meet a specific case irrespective of good or bad effect upon the general welfare of the Territory. If this is true it should be repealed even if there were no other reasons for doing so, as nothing is more demoralizing to the jurisprudence of any nation or any community than the passage without care and full consideration of laws, general and comprehensive in their effect, for the purpose of meeting some personal, temporary or local case or condition.

Such laws are almost sure to react disastrously to the best interests of the whole people, and I very earnestly urge upon you that, in the important deliberations you are about to commence, you always bear in mind that, as a body, constituting the legislative branch of the Territorial government, you cannot better deserve the gratitude of the people of the Territory whom you represent, then by constantly guarding against the passage of inconsidered, selfish and, in effect, special legislation.

From the point of view of the reputation and pride of the individual members of any legislature, it is doubtless well worth while to bear this constantly in mind, as there is nothing that so

arouses the antagonism of the people as the inevitable discovery, sooner or later, after such a law has been passed, of the real motive for its enactment.

#### NEW COUNTIES.

I call your attention to that part of the message of Governor Otero to the Thirty-sixth Legislative Assembly, in which he says in regard to new counties:

"If the Legislative Assembly should deem it expedient to create new counties, care should be taken that such districts as are set apart for this purpose possess sufficient assessed valuation to yield the needed revenue for county government, and that such counties are created to answer a real need and wish of the taxpayers. In drafting the acts for the creation of new counties, care should be taken that they cover every contingency which is apt to raise in organizing these counties, as in the past such acts have been at times drawn very loosely, giving rise not only to embarrassment but to serious legal questions which might affect future actions by the officials of such counties."

Which I most heartily endorse. It is manifestly unwise to create new counties as has sometime been done before there is a sufficient population or enough property to properly support them. The results in such cases are grievous, often resulting in a great degree of lawlessness and disorder, which might have been avoided if the counties had not been prematurely created. The burden of taxation on the individual taxpayer is greatly increased as two sets of county officers, two court houses and two jails, must be maintained where one set would have been sufficient. The zeal of the people who desire their home towns to become county seats should not blind them to the burdens they are imposing upon themselves by hasty action without due care and consideration.

#### ELECTION LAWS.

The enactment of new election laws is a most urgent necessity. Without just election laws, honorably and fairly executed, one of our most cherished rights a government by the people, is lost.

The present election laws were enacted piece-meal, commencing with the legislature of 1865, and by successive legislatures to and including the session of 1905. Many sections of the present law are inconsistent with others, and it is quite difficult for those charged with the duty of carrying on the elections to determine the correct procedure, in many instances.

The act relative to elections passed in 1905 is found to be espe-

cially unsatisfactory, as might be expected from the hurried manner in which the act was passed in the closing days of the session.

I recommend that a new and complete system of election laws be passed, incorporating therein those features of the present system applicable and desirable, but proceeding step by step in logical order until and including the provisions of final count and issuance of certificates of election.

I call special attention to the importance of having incorporated in this law provisions for impartial election boards. Under our present system the judges of election are appointed by the county commissioners. As a rule the members of the boards of county commissioners are all of one political party and in most instances they appoint judges of election of the same political faith. Undoubtedly a large majority of the judges so appointed are good and honest men, and perform their duties fairly; but the system is always unsatisfactory to the party not in power, and affords opportunity of abuse and dishonest elections, which may and do sometimes occur. I believe that this could be largely avoided, if provisions were made for the appointment of a judge by each, the board of county commissioners and the chairman of each of the two dominant political parties. Challengers at the polls should also be provided for by appointment by the county central committees of the several political parties.

#### REGISTRATION OF VOTERS.

The present law providing for the registration of voters is very lax, to say the least. I believe the law should be so amended as to provide for personal registration by each voter, so that on election day the registration lists will show no other names than those of qualified voters of the precinct.

#### PRIMARY ELECTIONS.

The feeling seems to be almost universal in New Mexico, that a system of primary elections should be provided for by this legislature. I heartily recommend this and believe that it will, to a great extent, prevent many unfortunate and disagreeable contests in our territorial conventions, as well as provide a system for the nomination of county and district officers, which would give all the voters an equal right in the selection of such officers, by their party. It is a well known fact that under our present system, while the nominating conventions are supposed to emanate from the people, they are controlled by a few. This does not give the average voter a voice in the selection of nominees, which he should have, and which he would have under a fair system of voting in the primary elections.

## THE AUSTRALIAN BALLOT.

Our recent election has demonstrated that our present system of balloting in elections is open to many abuses. In some counties it is reported that there were no printed ballots containing the names of candidates for Delegate to Congress or for members of the legislature. In others, stickers were placed over the names of the regular nominees on every ballot before leaving the hands of the county central committee. This all tends to a result different from that which the people really desired to express at the polls. A system adopted in a majority of the states, known as the "Australian Ballot Law," seems to have given almost universal satisfaction wherever tried. Under such a law the voter expresses his own will absolutely, unknown to any other person. The plan is simple and easily comprehended; it eliminates bribery and vote buying to a large extent and can harm no one who desires an honest election. It has been urged that New Mexico is not yet ready for the Australian Ballot Law. To take this position is to say that we are not ready for honesty in our elections, for there can be other valid reason for such a statement. We have an intelligent people, who are particularly apt in political matters, in which they take a great and commendable pride and interest, and I venture the assertion that the percentage of illegally cast ballots under the Australian Ballot Law would be as small in New Mexico as in any State or Territory of the Union.

I respectfully recommend for your consideration the adoption of this system for the Territory of New Mexico.

## ANTI-GAMBLING LAW.

With the exception of the proprietors of saloons and gambling houses themselves, the business men of New Mexico, are, as far as I can ascertain from careful inquiry, almost unanimously in favor of the passage of a law abolishing licensed gambling. It is not remarkable that these two classes of men should be against it as their percentage of profit are very large. There is no business more surely profitable than the retail liquor business. Liquor is bought by the barrel and sold in the saloons by the glass; the percentage of profit is very large. As for gambling carried on as a business, the profits are enormous and sure. The games most general in New Mexico are so arranged that the chances are many times in favor of the proprietors. Some of those games, as played here afford the player over 250 per cent less chance of winning than similar games afford in the large gambling establishments of Europe, which pay enormous annual dividends to their stockholders. We are to expect, therefore, that the owners of saloons and

gambling houses will, from the point of view of self-interest, violently oppose any measure to abolish licensed gambling. They can well afford to use every effort to prevent the enactment of laws which will result in cutting off these large and sure profits.

Looking at the matter from the standpoint of the people whom you represent, the question for you to consider is, whether gambling is a business which you can afford to recognize as legitimate, which you have a right to allow to continue in view of the enormous and unquestioned evils that result from it, the immense loss it entails upon the legitimate business of the community, and the large expense it puts upon the taxpayers of the Territory through the prosecution and care of criminals whose crimes are directly or indirectly traceable to it.

There are many evils which have existed throughout all civilization and even in the most advanced communities. Most of these evils can be restricted by legislation, but a time comes in every community when some of them can and should be abolished. That time has come in New Mexico in regard to licensed gambling. I would not advocate its abolition now, did I not feel sure that it is demanded by a large majority of the people of the Territory; for, if that were not the case, any law against it would be well nigh impossible to enforce. There are many people who for one reason or another do not care to proclaim their opinions in regard to the matter. It is my duty to proclaim what I am fully convinced is the real sentiment of the people and it is yours to enact laws which will uphold that sentiment.

The practicability of eliminating gambling even from communities in which for years it has held sway and where it was predicted that ordinances against it could not be enforced, has been demonstrated. This is true not only in cities outside of New Mexico, such as Tucson and El Paso, but in New Mexico itself. In Roswell and Artesia it has been absolutely prohibited, and not only the business men but every other class of the inhabitants, including most of those who were the worst victims of the habit, do not hesitate to express their satisfaction and relief at the expulsion of this incubus. I quote from a letter received from one of the largest business firms in the Pecos Valley, in reply to an inquiry concerning the effect of the prohibition, a firm of hard-headed, clear-seeing business men, whose views are not warped by any sentimentality of any kind:

"We note with much interest your inquiry of the 27th instant, as to what effect the abolition of gambling has had in the town of Roswell, and in reply beg to state that, in our

opinion, not only has it proven beneficial in the way of improvement and development in the smaller homes but it has stimulated business, building, and all conditions generally. Collections are better and entirely more satisfactory, particularly from those people who were hard to collect from before.

"One of the very greatest blessings that we note is among our native people engaged in herding sheep for their livelihood. These men are now paying their legitimate debts, building homes and sending their children to the schools, and doing their work so that it is a credit to them and to the community, thus by eliminating licensed gambling have proven themselves a better and nobler people.

"We certainly hope that now this community is rid of licensed gambling, that it will never again be thrust upon us."

One of the largest banks in Roswell informed me that they attribute fully twenty-five per cent of the increase in their deposits since July 1st, last to the abolition of licensed gambling. The number of depositors and amount of deposits in all the banks have greatly increased.

The number of retail liquor licenses issued in the various counties of the Territory in 1905 was 585, of wholesale liquor licenses 23, and of gambling licenses 360, and the amount of income from them all was \$164,412. Figures as to the exact proportion of this amount derived from gaming licenses are not at hand, but from similar statistics from all but five counties for the year 1906, it appears to be less than one-half. Two-thirds of the net amount received from the three sources is, by law, paid into the district school funds, and one-third to the general county school funds.

I am aware that one of the arguments brought against the abolition of licensed gambling is that it will cut off some of the income from our schools and increase taxation. If this were true it is an argument which should not be allowed for a moment to influence any of the taxpayers. The man who allows himself to be swayed by it, if in other respects he believes that gambling should go, is stultifying himself. But the manifest, acknowledged and unquestioned evils resulting to the youth of New Mexico in seeing openly maintained before their very eyes at every turn institutions sanctioned by the law, which carry on a business universally acknowledged to be vicious and deplorable to the last degree, are such as to make even the mention of such an argument unworthy.

Intemperate use of intoxicating liquors is deplorable and results in evil, but the abolition of saloons is not, in my opinion, practicable. The abolition of licensed gambling is. But the limitation of

the retail liquor business is both desirable and practicable. I call to your attention the fact that an average increase of \$200 to \$225 in the retail liquor licenses throughout the Territory, while making a very desirable decrease in the number of saloons would, in all probability, more than make up for the loss to the school funds of the money now derived from gambling licenses. The saloons would not only be decreased in number, but with gambling eliminated from them would be much less objectionable. This is self evident.

I strongly recommend that a bill be enacted making it a misdemeanor punishable by a fine of not less than two hundred dollars nor more than five thousand dollars and by imprisonment for not less than two months nor more than one year for any person to conduct or carry on in any way, either as owner or employe, any sort of a game played with cards or any other device, for money, checks, credit or any other representative of value. A law less definite and stringent in its character would not result in abolishing an evil, which for the welfare, good reputation and fair name of New Mexico, is absolutely essential should be abolished.

#### JAMESTOWN EXPOSITION.

The Congress of the United States by act approved March 3, 1905, authorized an appropriation to aid in the carrying on of an exposition at Hampton Roads, in the State of Virginia, in commemoration of the first settlement of English speaking people on the Western Hemisphere, from May 13th to November 1st, 1907.

In this exposition the Territory of New Mexico has been invited to participate. The President of the United States by proclamation dated May 28, 1906, has invited the Governors of the different states and territories to participate in the celebration by sending such organizations of militia as may seem desirable. I present this matter to you for such action as you may see fit.

#### ALASKA-YUKON-PACIFIC EXPOSITION.

An invitation has been received addressed to the people of the Territory of New Mexico, to take part in the Alaska-Yukon-Pacific Exposition, which is to be held in the City of Seattle, Washington, during the summer of 1909. The primary purpose of this exposition is to exploit the resources and potentialities of the Alaska and Yukon Territories in the United States and the Dominion of Canada, and to make known and foster the vast importance of the trade of the Pacific Ocean and the countries bordering upon it.

Whether or not it would be wise for this Territory to take any active part in this exposition is a matter for the consideration of the legislature.



## INTERNATIONAL MINING EXPOSITION.

The Territory has been invited to take part in an International Mining Exposition, which will be held in the City of New York early in 1908, under the auspices of the International Mining Exposition Company.

The object of the exposition will be the education of the people and the elevation and advancement of mining by showing it on a thoroughly practicable basis.

Whether or not you may deem it advisable, after inquiry, to make any appropriation for this exposition, I believe it would be wise to authorize the Governor to appoint a commission of one or two persons to promote the interest and secure private exhibits for this exposition, from New Mexico.

## REVISION OF LAWS.

There is an urgent necessity for the revision of the statutes of New Mexico. With the ending of the next Legislative Assembly we will have five volumes of session laws since the laws were compiled in 1897. Without an immense amount of labor it is almost impossible to state definitely what the law is upon any particular subject on our statute books. The repeals, amendments and reenactments are many, and one can hardly be certain that his examination has included everything upon the subject, in giving an opinion upon the statutes of any particular law.

I believe a revision of our laws would be best accomplished by the appointment of one competent attorney for that purpose, who is familiar with the legal history of the Territory, with power to employ competent assistants, and that he should be required to report to the next legislature the completed revision, together with a statement to the legislature showing what material changes have been made in particular sections of the laws.

H. J. HAGERMAN,  
Governor.

At the conclusion of the reading of the message, Mr. Dalies moved that the thanks of the Joint Session be extended to the Governor of New Mexico for his excellent message and that a committee of five be appointed to escort the Governor to the Executive Office, which motion being duly seconded by Mr. Sanchez of Taos, was put to a vote and declared carried. The president then appointed Mr. Dalies, Mr. Abbott, Mr. Martinez, Mr. Ruppe and Mr. Biernbaum as such committee, to escort His Excellency to his office.

On motion of Mr. Martinez duly seconded and carried, the Joint Session arose and the Council retired in a body to the Council Chamber.

Council called to order 1:30 p. m., and on motion of Mr. Duncan duly seconded by Mr. Martinez, Council adjourned until tomorrow morning at 10 o'clock.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## THIRD DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
SANTA FE, N. M., January 23rd, 1907,  
Wednesday 10 o'clock. }

Council met pursuant to adjournment and called to order by the president.

Prayer by the Chaplain.

Upon the call of the roll the following members responded, to wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The journal of yesterday's proceeding was read and Mr. Stockton moved that the journal of yesterday's proceedings as read be approved, which motion being duly seconded by

Mr. Murray was put to a vote and declared carried, and the journal of yesterday's proceedings was thereupon approved.

Introduction of bills being in order, Mr. Miera introduced Council Bill No 1, "An act to amend Chapter 116 of the Laws of the 36th Legislative Assembly of the Territory of New Mexico" which was read the first time in full.

Mr. Martinez introduced Council Bill No. 2. "An act to repeal Chapter 2 of the Session Laws of 1901, and to provide for the appointment of county officers in case of vacancies," which was read the first time in full.

Mr. Sargent asked unanimous consent to introduce a Joint Memorial and there being no objection consent was granted and Mr. Sargent thereupon introduced Council Joint Memorial No. 1, "Addressed to the Secretary of the Interior asking for the restoration to entry of all lands heretofore withdrawn from entry in San Juan county under order of the department dated August 22, 1904," which was read first time in full.

Mr. Sargent moved that the rules be suspended and that Council Joint Memorial No. 1 be considered translated, printed and referred and read second time by title, duly seconded by Mr. Miera, which motion was put to a vote and declared carried, and thereupon Council Joint Memorial No. 1 was read second time by title, considered translated, printed and referred.

Mr. Sargent moved that the rules be further suspended and that Council Joint Memorial No. 1 be read third time by title preparatory to its passage, seconded by Mr. Miera; which motion was put to a vote and declared carried and thereupon Council Joint Memorial No. 1, was read third time by title preparatory to its passage.

Council Joint Memorial No. 1, being placed on its passage the vote resulted as follows, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Ayes—12.

Nays—None.

The vote being twelve in the affirmative and none in the negative Council Joint Memorial No. 1 was thereupon declared to have duly passed the Council.

On motion by Mr. Dalies duly seconded by Mr. Chaves and carried, the Council adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FOURTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
SANTA FE, N. M., January 24, 1907.  
Thursday 10 o'clock. }

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The journal of yesterday's proceedings was read and Mr. Martinez moved that the journal of yesterday's proceedings as read be approved, which motion being duly seconded by Mr. Chaves was put to a vote and declared carried, and the journal of yesterday's proceedings was there-upon approved.

Introduction of bills being in order, Mr. Cameron introduced Council Bill No. 3, "An Act granting and donating to the City of Roswell a portion of School Section number sixteen in Township number eleven south, of range twenty-four east in Chaves county, New Mexico, for cemetery purposes, together with a right of way over a portion of said section for an entrance way to said land, and authorizing and directing the Governor and the Commissioner of Public Lands to make, execute and deliver to the said City of Roswell a good and sufficient deed for said property," which was read first time in full.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 3. be now read second time by title, which motion being duly seconded by Mr. Martinez was put to a vote and declared carried. Read second time by title.

Mr. Duncan moved that Council Bill No. 3 be translated, printed and referred to the proper committee when named, which motion being duly second by Mr. Miera was put to a vote and declared carried.

Mr. Cameron introduced Council Bill No. 4, "An act granting and donating to the town of Artesia, in Eddy county, the S W  $\frac{1}{4}$  of S W  $\frac{1}{4}$  of Sec. 16 Tp. 17 S. of R. 26 East for cemetery purposes, and authorizing and directing the Governor and Comissioner of Public Land to make, execute and deliver to the said town of Artesia a good and sufficient deed for said propety," which was read in full.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 4 be read second time by title and translated, printed and referred to the proper committee when named, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Bills on second reading being in order, Council Bill No. 1 was read second time by title.

Mr. Duncan moved that the bill be translated, printed and referred to the proper committee when named, which motion was duly seconded by Mr. Miera, put to a vote and declared carried.

Council Bill No. 2 was read second time by title and Mr. Martinez moved that Council Bill No. 2 be ordered translated and printed and be referred to the proper committee when named. There being no objection it was so ordered.

Mr. Martinez moved that the Council stand in recess until 2:30 this afternoon, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and the Council stood in recess until 2:30 p. m.

#### AFTERNOON SESSION.

Council met pursuant to adjournment and called to order by the President.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera,

Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. President states: A communication has been mailed to me referring to a contest which had been initiated in this body relative to a seat of one of our members. I will transmit this communication to the Chief Clerk. This communication, from Thomas B. Catron, withdrawing his contest for a seat in the Council, in favor of Mr. Miera, is as follows:

Santa Fe, New Mexico.

January 24, 1907.

HONORABLE CHAS. A. SPIESS,

President of the Legislative Council,

Santa Fe, New Mexico.

Dear Sir:

Having made a contest against Honorable E. A. Miera, of Sandoval County for a seat in the Legislative Council, which is now pending before that body, and it having been represented to me that a withdrawal of said contest would greatly contribute to the harmony of the Republican party in this County of Santa Fe, and in this Territory, of which party I am an adherent, and being willing to contribute to that end, do hereby withdraw said contest; but in doing so take this occasion to state that in so withdrawing the same, I do not admit that it was not well founded in law or fact on the various grounds alleged in the notice, but on the contrary, allege the same was well founded, and is well founded both on the law and facts; particularly in regard to the action of the Governor in attempting to re-apportion the Territory for Legislative purposes, which not, while it did not invalidate the election of those as de facto members whose seats are not in contest, yet was without any lawful authority and void as to those members whose seats were contested for said reason; further, I insist that by placing and printing the name of Mr. Miera in the Republican ticket of Santa Fe County for said office, and omitting mine therefrom for said office, was illegal and in violation of express law, I having been regularly nominated for said office by the Republican Party Convention held in the County of Santa Fe on the 28th

day of September, 1906, and Mr. Miera not having been nominated for said office by any Republican Convention representing the County of Santa Fe, and I claim that all votes cast for him on said printed ticket were therefore illegal and further that the same should have been counted for me, because the parties casting the same did so because they believed that his name, being printed upon the regular Republican ticket showed that he was the regular Republican candidate, and that their purpose in so voting was to vote for the regular Republican candidate, and no one else, Mr. Miera not having been nominated for said office by the Republican County Convention of Santa Fe County, nor by any convention authorized to represent Santa Fe County on behalf of the Republican party of said county; his name was not entitled to be printed in said tickets. For further reason; all votes purported to have been cast for Mr. Miera on either the Republican Party Ticket, or The Democratic Independent Republican Ticket, in said county, were illegal and void, for the reason that Mr. Miera pretended to have accepted the nomination and to have become the candidate of the Democratic Independent Republican Ticket of Santa Fe County, and also an alleged nomination of a pretended convention composed of eight members who attended the Republican Convention at Las Vegas from Sandoval County to nominate a Delegate to Congress and of two members of the Delegation from the County of Santa Fe, who attended said Convention at Las Vegas, and who pretended to unite and act as a District Convention to nominate members of the Legislature, while neither the six members from the County of Sandoval, nor the two members from the County of Santa Fe had any authority from either of the said Convention of Sandoval County or Santa Fe County to form such District Convention or make such nomination, yet Mr. Miera gave out to the people and voters of Santa Fe County, by certain circulars printed and circulated by him offering a reward of \$250.00 and also in his speeches and talks to the people that he was the candidate of the Republican Party of the County of Santa Fe and of the Democratic Independent Republican Party of the County of Santa Fe, thereby pretending to accept the nomination of the said two parties and become

the candidate of the said two parties in violation of law, whereby all votes cast for him on either of said tickets were illegal and void. I having been, however, unanimously nominated by the Convention of the Republican Party in the County of Santa Fe, held Sept. 26th, 1906, for said office, and no other person having been lawfully nominated or authorized to be nominated by the Republican Party of the County of Santa Fe, as its candidate for said office, I was entitled to have my name printed upon the Republican Party Ticket of the County of Santa Fe as the candidate for said office, which the Probate Clerk of the County of Santa Fe refused to do and I was compelled to rely upon pasters and writing to have my name inserted in the ticket. I also further state that, although the Democratic Independent Republican Convention held in the County of Santa Fe in the month of October, 1906, endorsed and nominated Mr. E. A. Miera, as its candidate, for said position, and although he thereafter at a ratification meeting held by said party, addressed said meeting and declared his acceptance of said nomination, and urged the election of the whole ticket; nominated by the said Democratic Independent Republican Convention, his name for some reason unknown to me, was not printed in the ticket or ballot of said party for the council, but the name of the candidate of said party for said position was left blank, and same was filled in by the voter or someone else by pasters or writing, which was contrary to law and all such votes filled in with the name of Mr. E. A. Miera, by pasters or writing, in the blank space so left, were illegal and void, as the law only permits names which are printed in a ballot or ticket to be altered or changed by means of pasters, writing or otherwise, but does not permit or authorize the blank to be filled in any manner; such votes being four-fifths of all the votes received by him in Santa Fe county.

Further I claim that all votes which were cast in Santa Fe county for Mr. Miera for said office on the tickets of the Democratic Independent Republican party wherein the name for said office was left blank by pasting or writing in the said blank space, his name, were illegal and contrary to law and should not be counted or canvassed, as only names printed in a ticket can be altered or changed by pasters or



writing, also that all votes cast for Mr. Miera on the republican party ticket amounting to over 170 were illegal, because his name was printed in the said ticket when he was not the candidate of said party and should be deducted from the votes counted for him, and that the same should be counted for me because it appears from the evidence taken, that all or many of the said persons so voting said tickets of the republican party wherein his name was printed as a candidate for said office voted said ticket with his name therein, believing him to be for that reason the republican candidate of said office; it being their intention, wish and desire to vote for the regular republican nominee in said county, for said office. I further claim and insist that I was the only resident of the County of Santa Fe who was a candidate for said office of a member of the Council of the 37th Legislative Assembly, except a Populist's candidate who received less than 100 votes, and that I received in said County of Santa Fe a majority of 321 votes for said office over Mr. Miera, giving him all of the illegal votes which he received therein and that by deducting the illegal votes which he received in the County of Santa Fe alone, I received a majority of over 700 votes over him in the alleged district pretended to be composed of the Counties of Santa Fe and Sandoval. I therefore claim, notwithstanding my withdrawal as aforesaid, from my said contest, that I was legally elected as the Member of the Council from the County of Santa Fe solely or from the District composed of the Counties of Santa Fe and Sandoval. I wish to state that it was impossible for me to get any tickets printed officially with my name thereon as the Member of the Council from the County of Santa Fe alone, or from a district composed of the County Santa Fe alone, and my friends were compelled to use the tickets as they were printed, although my name was not printed on any of them, they using pasters or writing to insert my name thereon.

I therefore request that this my withdrawal and statement of the facts may be inserted in the record, so that the people at large may understand my attitude and my reason for taking this step.

Very respectfully,

T. B. CATRON, Contestant.

Mr. Miera replied to Mr. Catron's withdrawal of his contest as follows.

Gentlemen of the Council:

I rise for the purpose of moving, that the withdrawal of the contest for a seat in this Chamber by Mr. Catron, which contest he initiates against me; bespread upon the records of the Council.

Mr. Catron in his communication withdrawing his contest states, that he does so to promote harmony in the ranks of the republican party. He deserves thanks of the republican party for his stand in that behalf, however he cannot go further than I in assisting in harmonizing the party to which we both belong. He also states that he had a majority of the legal vote cast in the district in which we both ran. This I deny and here assert that I was legally elected by the legal voters of our district and I am proud to state that in an honest fight I defeated one of the most prominent men of our party in New Mexico. It is true a large number of democrats by their votes contributed to my election; but they voted for me not because they loved me more but because they loved Mr. Catron less. I am under no obligations to the democrats; when they helped me they did so, only because it helped them. I was elected as a republican, am now a republican and hope to die in the faith of that party whose past is a matter of pride to every true American and whose future is the salvation and glory of our country. While I am a republican I am here to advocate the interests of the people of New Mexico regardless of party. It shall be my constant endeavor to uplift my people and lessen the burdens which they are required to carry in sustaining our government and no one member will surpass me in advocating and bringing about all necessary reforms in our social and governmental system.

Mr. Miera moved that the communication of Mr. Catron with reference to his withdrawal of the contest be received and that the same be spread on the Journal of to-day's proceedings, which motion being duly seconded by Mr. Martinez was put to a vote and declared carried.

Introduction of bills being in order Mr. Chaves being recognized introduced Council Bill No. 5, "An Act to revive

certain sections of the Compiled Laws of 1897 relative to the incorporation of community land grants", which was read first time in full. Mr. Chaves moved that the rules be suspended and that Council Bill No. 5 be read a second time by title, and ordered translated, printed and referred, which motion being duly seconded by Mr. Martinez was put to a vote and carried, whereupon Council Bill No. 5 was read a second time by title, ordered translated, printed and referred to the proper committee when named.

A message from the House was announced as follows:

Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed Council Joint Resolution No. 1, to "Supply members of the Council and House of Representatives of the 37th Legislative Assembly with copies of the Compiled Laws of 1897 in Spanish and English;" also that the House has duly passed Council Joint Resolution No. 2, "To Supply members of the Council and House of Representatives with laws of 1899, 1901, 1903, 1905 and a copy of the Journal of 1905 of the respective Houses;" also that the House has duly passed Council Joint Memorial No. 1 addressed, "To the Secretary of the Interior asking for the restoration to entry of all lands heretofore withdrawn from entry in San Juan County under order of the Department dated August 22nd, 1904."

Mr. Chaves being recognized offered Council Resolution No. 1, as follows:

"Whereas by Joint Resolution No. 13 of the 36th Legislative Assembly, approved March 14th, 1905, the Governor was authorized to appoint a commission of three persons to secure a bust of the late J. Francisco Chaves, to be placed back of the President's chair in the Hall of the Legislative Council, and appropriated \$1,000.00 for the expense of the same.

"Resolved, That a respectful message be sent to his Excellency the Governor asking whether such commission has made any report of its proceedings, and also for any further information on the subject which he may see fit to communicate," which was read in full for information; Mr. Chaves moved that the rules be suspended and that Council Resolu-

tion No. 1 be read in full and adopted as read; which motion being duly seconded by Mr. Martinez was put to a vote, declared carried, and Council Resolution No. 1 being placed before the Council for its adoption the vote resulted as follows: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, and Mr. President: Ayes—12. Nays—none. Council Resolution No. 1 was thereupon declared to be unanimously adopted.

Mr. President:

I desire to say to the Council that at to-morrow morning's session it is the intention of the chair to announce the standing committees of the Council.

Mr. Duncan moved that the Council do now adjourn until to-morrow morning at 10 o'clock, which motion being duly seconded by Mr. Chaves was put to a vote and declared carried.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

## FIFTH DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL.  
SANTA FE, N. M. January 25, 1907,  
Friday 10 o'clock. }

Council met pursuant to adjournment and called to order by the president.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, and Mr. President.

There being a quorum present the Council proceeded to business.

The journal of yesterday's proceedings was read and Mr. Chaves moved that the journal of yesterday's proceedings as read be approved, which motion being duly seconded by Mr.

Miera, was put to a vote and declared carried, and the journal of yesterday's proceedings was thereupon approved.

The Chair announced the following standing committees, stating that the committee on county and county lines would be named on Monday.

*Judiciary.*

Dalies, Murray, Duncan, Chaves, and Cameron.

*Railroads.*

Duncan, Stockton, Dalies, Martinez and Richards.

*Finance.*

Sargent, Miera, Martinez, Chavez, Murray, Richards and Cameron.

*Territorial Affairs.*

Miera, Sulzer, Duncan, Stockton, Sargent.

*Municipal and Private Corporations.*

Chaves, Sargent, Richards, Duncan and Stockton.

*Education.*

Sulzer, Murray, Duncan, Chaves and Cameron,

*Public Institutions.*

Richards, Miera, Murray, Sulzer and Cameron.

*Irrigation.*

Stockton, Martinez, Sargent and Cameron.

*Enrolled and Engrossed Bills.*

Dalies, Chaves, Richards, Stockton, Cameron.

*County and County Lines.*

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*Roads and Highways.*

Martinez, Richards, Sulzer, Stockton and Miera.

*Agriculture and Manufactures.*

Miera, Sargent and Duncan.

*Mines and Public Lands.*

Murray, Sulzer and Miera.

*Penitentiary.*

Martinez, Chaves and Richards.

*Public Printing.*

Chaves, Martinez and Miera.

*Library.*

Duncan, Sargent, Miera, Sulzer and Cameron.

*Insurance.*

Martinez, Dalies, Miera, Sargent, Duncan and Chaves.

*Internal Improvements.*

Duncan, Miera and Stockton.

*Public Property.*

Sulzer, Richards and Cameron.

*Capitol.*

Sargent, Miera and Duncan.

*Militia.*

Stockton, Sargent and Miera.

*Railroad Employes, Labor and Commerce.*

Richards, Martinez and Stockton.

*Rules.*

Mr. President, Martinez and Richards.

Introduction of Resolutions being in order Mr. Cameron introduced Council Joint Resolution No. 3, "For fixing a time for the consideration of bills, acts, measures and resolutions having for their object the change of County Boundary Lines or the creation of new counties, etc.," which was read in full.

Mr. Cameron introduced Council Joint Resolution No. 4, "For paying of translators, messengers and assistants to the subordinate officers and of other contingent expenses of the Thirty-Seventh Legislative Assembly of the Territory of New Mexico," which was read in full.

Mr. Cameron moved that the rules be suspended and that Council Joint Resolution No. 4 be read second time by title.

Mr. Dalies demanded a roll call, and upon the call of the same the vote resulted as follows: Cameron and Sulzer. Ayes—2. Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton and Mr. President. Nays—10.

The vote being ten in the negative and two in the affirmative the motion is declared lost and Council Joint Resolution No. 4 was ordered to take its regular order.

Introduction of bills being in order Mr. Chaves introduced Council Bill No. 6, "An Act to amend Chapter 37 of the Session Laws of 1903," which bill was read in full.

Mr. Chaves moved that the rules be suspended and that

Council Bill No. 6 be read second time by title, translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried and Council Bill No. 6 was read second time by title, ordered translated, printed and referred to the Committee on Education.

Council Bill No. 7 by Mr. Cameron, "An act to define and punish certain crimes, and amend and repeal certain portions of the Compiled Laws of 1897 relating to crimes, and for other purposes," which was read in full.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 7 be read second time by title, ordered translated, printed and referred, which motion was duly seconded—put to a vote and declared carried, and Council Bill No. 7 was read second time by title, ordered translated, printed and referred to the Committee on Judiciary.

Mr. Duncan moved that the Council do now adjourn until ten o'clock Monday morning which motion was duly seconded by Mr. Dalies, put to a vote and declared carried, and the Council stands adjourned until Monday morning at 10 o'clock.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## EIGHTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
SANTA FE, N. M. January 28, 1907.  
Monday 10 o'clock. }

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

A message from the House of Representatives was announced as follows:

Mr. President:

I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed House Bill No. 1, "An Act with reference to the Offices of District Attorneys and for other purposes," and respectfully ask the concurrence of this Honorable Body therein.

The journal of yesterday's proceedings was then read and Mr. Murray moved that the minutes stand approved as read, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and the Journal of yesterdays proceedings stood approved as read.

The following committees then reported:

HALL OF THE LEGISLATIVE COUNCIL  
37th Legislative Assembly.  
Santa Fe, New Mexico. }

Mr. President:

Your committee on rules has had under consideration the preparation and formation of the rules of this Council and I am directed to report the following as the rules which shall govern this Council, to the Council with the recommendation that the same be adopted.

MALACQUIAS MARTINEZ.

## RULES OF THE LEGISLATIVE COUNCIL OF THE TERRITORY OF NEW MEXICO, THIRTY-SEVENTH SESSION.

### DUTIES OF THE PRESIDENT.

He shall take the chair every day precisely at the hour to which the Council shall have previously adjourned, and shall immediately call the members to order. There being a quorum present, he shall cause the Journal of the preceding day to be read. The sessions of the Council each day shall commence at 10 o'clock a. m., unless otherwise ordered by the Council at the time it may adjourn on any day, and when an adjournment shall take place without specifying any other



time the Council shall meet at the time above specified which shall be the first reached after adjournment.

2. He shall preserved order and decorum: speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Council by any two members, on which appeal no member shall speak more than once unless by leave of the Council.

3. He may state a question sitting, but he shall rise when stating the question for a vote.

4. Questions shall be distinctly put in this form: "Those who are of the opinion that (as the case or the question may be,) say aye." If he shall have any doubt or a division shall be called for, the Council shall divide, those in the affirmative of the question shall first rise from their seats, afterwards those in the negative. If the chair still doubts, or a count of the votes be required, the president shall order the secretary to count the votes, and when the same is ascertained he shall rise and state the decision of the Council.

5. The chair shall have a general direction of the Council, he shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, and in his absence, for any cause whatsoever, the Council shall proceed to elect a president pro tempore to act during his absence.

6. All committees shall be appointed by the Chair unless otherwise directed by the Council, in which case they shall be appointed by ballot, on which ballot a plurality of votes shall prevail. In case a greater number than that required to compose or complete a committee shall have an equal number of votes the Council shall proceed to a further ballot or ballots.

7. In all other cases of ballot than for committees a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot the ballot shall be repeated until a majority be obtained. In all the cases the president shall have a vote, and if the Council be equally divided on any vote the question voted on shall be lost.

8. In all cases where any person, other than as a member

of the Council, may be eligible to an office by the election of the Council there shall be a previous nomination.

9. All acts, addresses and joint resolutions shall be signed by the president; and all writs, warrants and subpoenas issued by order of the Council shall be under his hand and attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the president shall have the power to order the same to be cleared or the arrest of such disorderly person.

11. Stenographers wishing to take down debates may be admitted by the Chair, who shall assign such place to them on the floor of the hall, or other convenient place, as shall not interfere with the business of the Council.

#### ORDER OF BUSINESS OF THE DAY.

12. As soon as the journal is read the president shall declare petitions in order, and, after petitions shall have been presented and disposed of, reports of standing committees, and afterwards reports of special committees; then the same rules applying to their disposition as in resolutions and petitions.

13. When petitions shall have been disposed of reports, bills and joint resolutions shall be in order, then bills on their second reading shall be in order, in the order here named, and those being disposed of bills, and joint resolutions on their third reading shall be taken up. It shall then be in order to take up business on president's table, and bills, messages and communications on table shall be disposed of. The chair shall then proceed to call the orders of the day, in case there are any, and these being disposed of, the president will announce unfinished business in order.

14. All resolutions introduced which, by the rules, are required to lie upon the table for one day shall be placed among the orders of the day for the day following their introduction, and shall be taken up and disposed of in the order in which they were introduced.

15. Whenever a message shall be announced from the Governor or the other House, whatever the business pending, it shall be suspended until the message be received and

placed upon the President's table, unless by a two-thirds vote the same shall be otherwise disposed of.

16. Whenever a message from the Governor or House arrives it shall be the duty of the doorkeeper to communicate that fact to the Sergeant-at-Arms, who shall at once receive such message and announce its presence to the President.

#### DECORUM AND DEBATE.

17. No member shall be held responsible elsewhere for words spoken in debate or for his vote.

18. The business as stated in the foregoing rules shall not be taken up in any other part of the day, except on a suspension of the rules by a two-thirds vote of those voting.

19. When any member is about to speak in debate, present a bill or submit any subject for consideration, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question under debate and avoid personality.

20. If any member, in speaking or otherwise, transgresses the rules of the Council the President shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down unless permitted to explain and the Council shall, if appealed to, decide upon the case without debate. If there be no appeal the decision of the chair shall be final. If the decision be in favor of the member called to order, he shall be at liberty to proceed without further action; but if the case require it he shall be liable to the censure of the Council.

21. When two or more members happen to rise at once, the chair shall name the member who is to speak first.

22. No member shall speak more than once to the same question without leave, nor more than once till every member choosing to speak shall have spoken, save that in all cases the mover, proposer, or introducer of the matter pending shall be allowed the closing speech.

23. If a question be pending at adjournment and be considered on the succeeding day, no member who shall have spoken twice thereon on the preceding day shall be permitted to speak thereon without consent of the members present.

24. While the President is putting any question or addressing the Council, none shall walk out of or across the Council Chamber, nor in such case, or when a member is speaking or any document is being read, shall be engaged in private conversation; nor whilst a member is speaking shall pass between him and the chair.

25. No member shall vote on any question in the event of which he is immediately and particularly interested; or in any case where he was not within the bar of the chamber when the question was put, without leave of the Council: Provided, That in case of an appeal from any decision of the President he shall be allowed to vote.

26. Upon any division and count of the Council on any question no member without the bar shall be counted.

27. Every member within the bar of the chamber when a question is put shall give his vote, unless he shall be excused for special reasons.

28. When a motion is made and seconded it shall be stated by the chair, or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

29. Every motion made to the Council and entertained by the President shall be reduced to writing on demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

30. When a motion has been made the President shall state it, (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the Council, but may be withdrawn, by consent of a majority of the members present, at any time before a decision or amendment.

31. When a question is under debate no motion shall be received but to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a certain day or indefinitely (which motions shall be decided without debate), to amend or refer, which several motions shall have precedence in the order in which they are here arranged, and no motion to lay on the table, to postpone to a certain day or indefinitely, or to refer to the same committee, being decided,

shall be again allowed on the same day at the same stage of the bill or proposition.

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried shall be considered equivalent to its rejection.

32. When any resolution shall be introduced, or a motion made to refer to any matter, and different committees shall be proposed, the question shall be put in the following order: "The committee of the whole, on Territorial Affairs, a standing or special committee."

33. A motion to adjourn and to take recess shall always be in order; but a motion to adjourn or to take a recess shall not be in order after debate upon pending motion or proposition is closed and the chair has stated the motion or proposition to be voted on, until the same is voted upon and the result declared by the chair. After motion to adjourn has been made and declared lost, any other business, proposition or motion, shall have preference before a second motion to adjourn can be sustained by the chair.

34. The previous question shall be in this form: "Shall the main question be now put?" It shall be only admitted when demanded by a majority of the members present, and until it is decided shall preclude all amendment and further debate on the main question.

35. On a previous question there shall be no debate.

36. When a question is postponed indefinitely, or laid on the table indefinitely, action thereon cannot be taken during this session without the consent of two-thirds of all the members of the Council.

37. Any member may call for the division of any question, and the question shall be divided if it comprehend propositions in substance so distinct that if one be taken away a complete substantive proposition shall remain. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

38. Any member may move a call of the Council and the absentees sent for, provided the motion be seconded. There shall be no call of the Council pending a vote; and the names of the absentees being ordered to be called and noted, the doors shall be shut and no member shall be permitted to go

out until the return of officer be received or call be suspended.

39. Motions and reports may be referred to a committee at the pleasure of the Council.

40. No motion or proposition, or any subject different from that under consideration, shall be admitted under the pretext of amendment.

41. When a motion has once been made and carried in the negative or affirmative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or next day. And such motion shall take precedence of all other questions except a motion to adjourn or take a recess, except in case of a bill recalled from the Governor or House for amendment, as to which a motion to reconsider the vote by which it was passed may be made when it is received on such recall.

42. Any bill, petition, memorial or resolution referred to a standing or special committee may at any time, by a majority vote, be recalled for recommitment or passage, or any other action of the Council.

43. When the reading of any document is called for, and the same objected to by any member, it shall be determined by a vote of the Council.

44. Any member may call for the yeas and nays on any question pending before the Council before the final decision of the chair.

45. A proposition requesting information from the Governor of the Territory shall lie on the table one day for consideration, unless otherwise determined by a majority of the Council, and such propositions shall be taken up for consideration in the order they were presented immediately after the reports are called from special committees, and when adopted the clerk shall cause the same to be forwarded to the Governor.

46. Petitions, memorials and other papers addressed to the Council shall be presented by the chair or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer, and they shall not be debated on the day of their presentation, unless when the

Council shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.

47. Any five members shall be authorized to compel the attendance of absent members.

48. Upon calls of the Council, or on taking the yeas and nays on any question, the names of the members shall be called alphabetically, except that of the President, which shall be called last.

49. No member shall absent himself from the house when in session unless he shall have leave or be sick and unable to attend.

50. Upon call of the Council the names of the members shall be called by the clerk and the absentees noted, after which the names of the absentees shall again be called over; the doors shall then be shut and those for which no excuse or insufficient excuses are made, by order of those present, if five in number, be taken in custody wherever to be found by the sergeant-at-arms or by special messengers to be appointed for that purpose.

51. When a member shall be discharged from custody and admitted to his seat, the Council shall determine whether such discharge shall be with or without paying fees; and in like manner a delinquent member shall or shall not be liable to defray the expenses of such special messenger.

52. The sergeant-at-arms shall attend the Council during its sittings and execute the orders thereof, and also those of the president when not in conflict with the orders of the Council, and also all process issued by proper authority and properly directed to him.

53. The fees for the sergeant-at-arms shall be: For every arrest, the sum of two dollars; for each day's custody, two dollars; for traveling, for himself or special messenger, going or returning, twelve and one-half cents per mile.

54. Every bill shall be introduced on leave given by the chair or by consent of the Council.

55. Every bill shall receive three several readings previous to its passage, and all bills shall be dispatched in the order in which they may be introduced or reported, unless the Council shall direct otherwise. Each bill when introduced shall be sent to the chief clerk, who shall read it by its title;

this the president shall announce as the first reading of the bill. The bill shall then be read a second time by its title and ordered to be translated and printed in English and Spanish and copies supplied to each member. At the time of its second reading or at any time thereafter each bill shall be referred by the president to the appropriate committee, unless the Council shall otherwise direct or determine. No bill shall be read twice on the same day unless the rules be suspended by a two-thirds vote: Provided, that any member may call for the reading of any bill, petition or other document by sections and its adoptions by sections.

56. When a bill shall have passed it shall be so certified by the clerk, noting the day of its passage at the foot thereof.

57. After the committee to which a bill has been referred shall have reported the same back to the council, or at any time before its approval, it may be recommitted to a committee.

58. It shall be in order at any stage of a bill, memorial, resolution or document, prior to its third reading, to require the same to be translated, or printed in English or Spanish, or both.

59. It shall be a standing order of the day throughout the session for the Council to resolve itself into a committee of the whole Council.

60. In forming a committee of the whole the president or presiding officer shall preside in the committee.

61. The rules of proceeding in the Council shall be observed in a committee of the whole so far as they may be applicable.

62. Upon bills committed to a committee of the whole the bill shall first be read throughout by the clerk, and then again read and debated by clauses or parts, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported back to the Council. After report the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

63. No standing rule or order of the Council shall be



rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be suspended except by a vote of at least two-thirds of the members present, nor shall the order of business, as established by the rule of the Council, be postponed or changed except by a vote of at least two-thirds of the members present.

64. The rules for paying witnesses that may be summoned to appear before the Council or a committee shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, twelve and one-half cents; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial.

65. It shall be in order for the Committee on Enrolled Bills to report at any time.

66. All questions of order shall be noted by the Clerk, with the decisions, and placed together at the end of the Journal of each session.

67. Whenever the Council shall adjourn or take a recess to a certain time, it may again be called together by the President at any hour prior to the time so designated after giving notice to each member of the hour it will be called together. Such notice may be served by the President, Sergeant-at-Arms, any member of the Council, or any other officer or employe of the Council; or the Council may meet at any time if all of the members be present. The person who shall serve the notice shall certify the same under his hand to the Council, and the same shall be inserted in the Journal of that day; and such service may be made by leaving a copy of the notice at the residence or room of the member to be served, or posting it on his door if not personally found.

68. The following standing committees, each of which to consist of three members or more shall be appointed by the President, as soon as practicable; but the Council may appoint other committees when the business before it requires it.

Committee on Judiciary.

Committee on Finance.

Committee on Railroads.

Committee on Territorial Affairs.

Committee on Private and Municipal Corporations.

Committee on Education.  
 Committee on Public Institutions.  
 Committee on Irrigation.  
 Committee on Militia.  
 Committee on County and County lines.  
 Committee on the Library.  
 Committee on Agriculture and Manufactures.  
 Committee on Capitol.  
 Committee on Mines and Public Lands.  
 Committee on Enrolled and Engrossed Bills.  
 Committee on Railroads, Employes, Labor and Commerce.  
 Committee on Penitentiary.  
 Committee on Printing.  
 Committee on Roads and Highways.  
 Committee on Banks and Banking.  
 Committee on Insurance.  
 Committee on Rules.

69. Any matter may be made the special order for any particular time or day by the consent of two-thirds of the members voting.

70. Each member shall be furnished with a copy of the daily calendar prepared by the Chief Clerk, which shall include the bills on the third reading and the general order.

71. House amendments to Council Bills and resolutions shall be in order at any time when no question is pending.

72. The rules and parliamentary practice of the House of Representatives of the United States Congress as compiled by Hinds and published by authority of a Joint Resolution of Congress approved April 25, 1898, shall govern Council in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the Council.

73. These rules shall be in force from and after its adoption, and may be amended or suspended by a vote of two-thirds of the Council.

74. An appeal from the decision of the chair shall be sustained by a vote of two-thirds of the members present.

75. No bill or joint resolution shall be introduced at any time within six days of the final adjournment of the Legislative Assembly or expiration of its term.

Mr. Miera moved that the report of the committee be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried and the report stood adopted.

Rules were then read in full.

Mr. Chaves moved that the rules be adopted as read and that each member be supplied with a copy of the same, which motion was duly seconded by Mr. Martinez put to a vote and carried, and the rules stood adopted as read and it was ordered that members should be supplied with copies of the same.

By request Mr. Martinez introduced Council Joint Resolution No. 5, "Granting to the Historical Society of New Mexico the use of two rooms in the Palace," which resolution was read in full.

Mr. Chaves moved that the rules be suspended and that Council Joint Resolution No. 5 be read second time by title, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time by title.

Mr. Martinez moved that the rules be further suspended and that Council Joint Resolution No. 5 be read third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried.

Read third time by title.

Mr. Martinez moved that Council Joint Resolution No. 5 do now pass, which motion was duly seconded by Mr. Chaves, and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Sargent, Stockton, Sulzer and Mr. President. Ayes—11.

Nays—None.

The vote being eleven in the affirmative and none in the negative Council Joint Resolution No. 5 was declared as having passed the Council.

Introduction of bills being in order the following were introduced:

Council Bill No. 8, by Mr. Sargent, "An Act authorizing the Territorial Auditor and Treasurer to harmonize certain

discrepancies on the books of their respective offices and for other purposes."

Read in full.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 8 be read second time by title, translated, printed and referred to its proper committee, which motion was duly seconded by Mr. Sulzer, put to a vote and declared carried.

Read second time by title ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 9 by Mr. Sargent, "An Act to amend certain sections of Chapter 52 Laws of 1903."

Read first time in full.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 9 be read second time by title, ordered translated, printed and referred to the proper committee, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried.

Read second time by title ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 10 by Mr. Sargent, "An Act relating to delinquent taxes and for other purposes."

Read first time in full.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 10 be read second time by title and ordered translated, printed and referred to the proper committee, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time by title ordered translated, printed and referred to the Committee on Finance.

Council Joint Resolutions being in order Council Joint Resolution No. 4 by Mr. Cameron was read second time by title.

Mr. Martinez asked that it be read in full for information and there being no objection it was read in full.

Mr. Cameron moved that Council Joint Resolution No. 4 be ordered translated, printed and referred to the proper committee, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried. Council Joint Resolution No.

4 was thereupon ordered translated, printed and referred to the Committee on Finance.

Business on the President's table being in order House Bill No. 1, "An Act with reference to the Offices of District Attorneys and for other purposes," was read first time by title and Mr. Miera moved that the rules be suspended and that House Bill No. 1 be read the second time in full, ordered translated, printed and referred, which motion being duly seconded by Mr. Martinez, was put to a vote and declared carried, and House Bill No. 1 was thereupon read second time in full, ordered translated and printed and referred to the Committee on Judiciary.

The President announced having signed Council Joint Resolution No. 1 introduced by Mr. Dalies, "To supply members of the Council and House of Representatives with the Compiled Laws of 1897 in Spanish and English;" also, that he had signed Council Joint Resolution No. 2 introduced by Mr. Dalies, "To Supply Members of the Council and House of Representatives with the Laws of 1899, 1901, 1903 and 1905 and a copy of the Journal of 1905 to the respective Houses;" also that he had signed Council Joint Memorial No. 1 by Mr. Sargent, "Addressed to the Secretary of the Interior asking for the restoration to entry of all lands heretofore withdrawn from entry in San Juan County under order of the Department, Dated Aug. 22, 1904."

Mr. Chaves moved that the Council do now adjourn until tomorrow morning at ten o'clock, which motion was duly seconded by Mr. Stockton, put to a vote and carried and the Council stood adjourned until tomorrow morning at 10 o'clock.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

## NINTH DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., January 29th, 1907,  
Tuesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded: Cameron, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. Mr. Chaves being absent by consent.

There being a quorum present the Council proceeded to business.

Mr. Dalies moved that the reading of yesterday's Journal be dispensed with and that it stand approved, which motion being duly seconded by Mr. Stockton was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

A message from the House of Representatives was announced as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed House Joint Resolution No. 2: 'Relating to the appointment of a Joint Committee to draft a registration and election law.'

"Also House Joint Resolution No. 3: 'Relating to the publication of a list of the Committees of both Houses for the use of the members thereof and making appropriation therefor.'

The Chair announced the Committee on County and County Lines to be as follows: Dalies, Murray, Martinez, Stockton, Duncan, Cameron, and Mr. President.

Introduction of bills being in order the following were introduced:

"Council Bill No. 11, by Mr. Sargent: 'An Act for the assessment and collection of taxes on sleeping cars and repealing Sections 4118, 4119, 4120, 4121 of the Compiled Laws of 1897.'"

Mr. Sargent asked that the bill be read in full for information and there being no objection it was so ordered.

Read first time in full.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 2 be read a second time by title, ordered translated,

printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time by title, ordered translated, printed and referred to the Committee on Railroads.

Council Bill No. 12, by Mr. Dalies: "An Act to encourage the erection of sugar beet factories and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 12 be read a second time in full and ordered translated, printed and referred, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.

Read a second time in full and ordered translated, printed and referred to the Committee on Territorial Affairs.

Business on the President's table being in order House Joint Resolution No. 2, was read first time in full.

Mr. Dalies moved that the rules be suspended and that House Joint Resolution No. 2, be read a second time by title, which motion was duly seconded by Mr. Richards, put to a vote and declared carried.

Read a second time by title.

Mr. Dalies moved that the rules be further suspended and that House Joint Resolution No. 2, be considered translated, printed and referred and be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, put to a vote and declared carried.

Read a third time by title.

Mr. Dalies moved that House Joint Resolution No. 2, do now pass, which motion was duly seconded by Mr. Martinez and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None.

The vote being eleven in the affirmative and none in the negative the Chair declared House Joint Resolution No. 2, as having duly passed the Council.

House Joint Resolution No. 3, was read first time by title.

Mr. Dalies moved that the rules be suspended and that House Joint Resolution No. 3, be read a second time in full, which motion was duly seconded by Mr. Richards, put to a vote and declared carried.

Read a second time in full and referred to the Committee on Judiciary.

Mr. Murray moved that the Council do now adjourn until tomorrow morning, which motion was duly seconded by Mr. Martinez and put to a vote and declared carried and the Council stood adjourned until Wednesday morning.

CHARLES A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## TENTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., January 30th, 1907.  
Wednesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The Journal of yesterday's proceedings was then read and Mr. Chaves moved that the Journal of yesterday's proceedings stand approved as read, which motion was duly seconded by Mr. Stockton, put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved as read.

Introduction of petitions being in order the President presented petition offered by Mr. Dalies, with reference to changing the county seat of Torrance County, which was read in full and referred to the Committee on County and County Lines.

Introduction of bills then being in order the following were introduced:

Council Bill No. 13 by Mr. Sargent: "An Act to amend Sections 2, 3 and 9, Chapter 65, Session Laws of 1905."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 13, be read a second time in full and ordered translated, printed and referred, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.



Read a second time in full, ordered translated, printed and referred to the Committee on Territorial Affairs.

A message from the Governor was announced and received.

Message No. 2.

Council Bill No. 14, by Mr. Martinez: "An Act to repeal Sections 4027 and 4175 of the Compiled Laws of New Mexico of 1897 and Sections 32, of Chapter 22, of the Session Laws of New Mexico, approved March 1st, 1889, and for other purposes."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 14, be read a second time in full and ordered translated, printed and referred, which motion was duly seconded by Mr. Miera, put to a vote and declared carried.

Read second time in full, ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 15, by Mr. Dalies: "Changing the boundary lines of Torrance County."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 15, be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried. Read second time in full, ordered translated, printed and referred to the Committee on County and County Lines.

Council Bill No. 16, by Mr. Sulzer: "An Act to repeal Chapter 8, of the Session Laws of the Thirty-sixth Legislative Assembly, approved February 15th, 1905."

Mr. Sulzer moved that the rules be suspended and that Council Bill No. 16 be read second time by title, ordered translated, printed and referred to its proper committee, which motion was duly seconded by Mr. Chaves, put to a vote and carried.

Read second time by title, ordered translated, printed and referred to the Committee on Education.

The Chair announced that Council Bill No. 1, would be referred to the Committee on Judiciary, Council Bill No. 2, to the Committee on Territorial Affairs; Council Bill No. 3, to the Committee on Mines and Public Lands; Council Bill No. 4, to the Committee on Mines and Public Lands; Council Bill No. 5, to the Committee on Territorial Affairs.

Business on the President's table being in order the Governor's message No. 2 was read.

“OFFICE OF THE EXECUTIVE,

“Territory of New Mexico,

Santa Fe, January 28th, 1907.

“Hon. Charles A. Spiess, President of the Council, of the Thirty-seventh Legislative Assembly:

“Mr. President:

“I have the honor to inform you that I have this day signed the following Council Joint Resolutions:

“No. 1: ‘To supply members of the Council and House of Representatives with the Compiled Laws of 1897, in English and Spanish.’

“No. 2: ‘To supply members of the Council and House of Representatives with laws of 1899 and 1901 and 1903 and 1905, and a copy of the Jurnal of 1905, of the respective Houses.’

“Also I have the honor to inform you that I have this day signed Council Joint Memorial No. 1, addressed by the Thirty-seventh Legislative Assembly of the Territory of New Mexico to the Honorable Secretary of the Interior, requesting him to restore certain agricultural lands in San Juan County to entry.’

“I also have the honor to inform you that I shall at once cause certified copies of said memorial to be transmitted to the President of the United States, and to the Secretary of the Interior, as provided for in the Memorial.

“Respectfully yours,

“H. J. HAGERMAN,

“Governor of New Mexico.”

Mr. Chaves moved that this Council do now adjourn until tomorrow morning at 10 o'clock, which motion was duly seconded by Mr. Richards, put to a vote and carried and this Council stood adjourned.

CHARLES A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

**ELEVENTH DAY.****MORNING SESSION.**

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., January 31st, 1907.

Thursday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, and Mr. President.

There being a quorum present the Council proceeded to business.

The Journal of yesterday's proceedings was then read and Mr. Martinez moved that the Journal stand approved as read, which motion was duly seconded by Mr. Miera, put to a vote and declared carried and the Journal of yesterday's proceedings stood approved as read.

The following report from the Judiciary Committee was made:

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., January 31st, 1907.

"Mr. President:

"Your Committee on Judiciary to whom was referred Council Bill No. 1: 'An Act to amend Chapter 116 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico,' has had the same under consideration, and I am directed to report the said Council Bill No. 1, to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary stand approved, which motion was duly seconded by Mr. Miera, put to a vote and declared carried. Report stood approved.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., January 31st, 1907.

"Mr. President:

"Your Committee on Judiciary to whom was referred House Joint Resolution No. 3, have had the same under consideration, and I am directed to report the said House Joint Resolution No. 3, to the Council with the recommendation that it be amended by

striking out the words 'not otherwise appropriated' in the eighth line of the original House Joint Resolution, also that the figures '100.00' and the words 'one hundred' be stricken out and the word 'fifty' be inserted in lieu thereof.

"CARL A. DALIES, Chairman."

Mr. Cameron moved that the report of the Committee on Judiciary stand adopted, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 1, be read the third time in full preparatory to its passage, which motion was duly seconded by Mr. Dalies, put to a vote and resulted as follows:

Two in the affirmative and nine in the negative. Motion to suspend lost.

Introduction of Bills being in order the following were introduced:

Council Bill No. 17, by Mr. Sargent: "An Act entitled An Act to provide for the furnishing of bonds by Territorial and County officials and to amend Chapter 106 of the Laws of the Thirty-sixth Legislative Assembly, approved March 16th, 1905."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 17, be read second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried.

Read second time in full, ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 18, by Duncan: "An Act entitled An Act providing for the equalization of taxes among the counties of the Territory of New Mexico and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 18, be read second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried.

Read second time in full, ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 19, by Mr. Cameron: "An Act to constitute the New Mexico Military Institute, located at Roswell, a post of the National Guard and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Coun-

cil Bill No. 19 be read second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried.

Read second time in full, ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 20, by Mr. Cameron: "An Act to repeal Chapter 57 of the Laws of the Thirty-sixth Legislative Assembly."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 20 be read second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time in full, ordered translated, printed and referred to the Committee on Irrigation.

Bills on their third reading being in order the following were disposed of:

Council Bill No. 1, read third time by title.

Mr. Dalies moved that Council Bill No. 1, do now pass, which motion was duly seconded by Mr. Martinez, and upon the call of the roll the vote resulted as follows, to-wit:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None.

The vote being eleven in the affirmative and none in the negative Council Bill No. 1, was declared as having duly passed the Council.

House Joint Resolution No. 3, read third time by title.

Mr. Dalies moved that the amendment recommended by the Committee on Judiciary on their report of same be read, which was done. Mr. Martinez moved that the amendment offered by the Committee be adopted, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.

Mr. Cameron moved that House Joint Resolution be read third time in full as amended.

Read third time in full as amended.

Mr. Cameron moved that House Joint Resolution No. 3, as amended, do now pass, which motion was duly seconded by Mr. Dalies and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer, and Mr. President. (11).

Nays: None.

The vote being 11 in the affirmative and none in the negative,

House Joint Resolution No. 3 was declared as having duly passed as amended.

Mr. Miera moved that the Council do now adjourn until tomorrow morning, which motion was duly seconded by Mr. Duncan.

Mr. Dalies moved that the motion be amended and that the Council stand in recess until 2:30 this afternoon.

Mr. Miera insisted on his motion, whereupon Mr. Dalies withdrew his amendment and division being demanded the vote resulted as follows:

Four in the affirmative and five in the negative, the motion of Mr. Miera was declared lost.

Mr. Dalies moved that the Council stand in recess until 2:30 this afternoon, which motion was duly seconded by Mr. Chaves, and upon a division being demanded the vote resulted as follows:

Five in the affirmative and six in the negative and the motion of Mr. Dalies was declared lost.

Mr. Sargent moved that the Council do now adjourn until tomorrow afternoon at 2:30. The Chair declared Mr. Sargent to be out of order.

Mr. Sargent then moved that the rules be suspended and that this Council now adjourn until tomorrow afternoon at 2:30, which motion was duly seconded by Mr. Miera, put to a vote and declared carried. Council stood adjourned until 2:30 Friday afternoon.

CHARLES A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## TWELFTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 1st, 1907,  
Friday, 2:30 o'clock.

Council met pursuant to adjournment, with the President in the chair.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit:

Cameron, Chaves, Duncan, Martinez, Murray, Richards, Dalies, Sargent, Stockton, Sulzer, and Mr. President. Mr. Miera being absent by consent.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of yesterday's Journal be dispensed with and that it stand approved, which motion being duly seconded by Mr. Chaves, was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Mr. Martinez moved that the Council do adjourn until 3 o'clock Monday, which motion being duly seconded by Mr. Duncan, was put to a vote and declared carried, and the Council stood adjourned until Monday afternoon at 3 p. m.

CHARLES A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FIFTEENTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 4th, 1907,  
Monday, 3 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The Journal of Friday's proceedings was read, and Mr. Sargent moved that the Journal as read be approved, which motion being duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Journal of Friday's proceedings stood approved as read.

Introduction of bills being in order the following were introduced:

Council Bill No. 21, by Mr. Sargent: "An Act to amend Section 255 of the Compiled Laws of 1897, relative to depositories for Territorial monies."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 21, be read a second time in full, ordered translated, printed and referred, which motion was seconded by Mr. Martinez, was put to a vote and declared carried, and Council Bill No. 21, was read second time in full and ordered referred to Committee on Finance.

Council Bill No. 22, by Mr. Chaves: "An Act in relation to marriages to amend Section 1425 of the Compiled Laws of 1897."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that Council Bill No. 22, be read a second time in full, and be translated, printed and referred, which was seconded by Mr. Sargent, was put to a vote, and declared carried and Council Bill No. 22 was ordered translated, printed and referred to Committee on Territorial Affairs.

Council Bill No. 23, by Mr. Chaves: "An Act providing for the taking of depositions of witnesses in the Territory of New Mexico for use in a foreign state, territory or country."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that Council Bill No. 23, be read a second time in full, ordered translated, printed and referred, which motion was seconded by Mr. Sargent, was put to a vote and declared carried, and Council Bill No. 23, was ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 24, by Mr. Cameron: "An Act to amend Section 1370 of the Compiled Laws of New Mexico of 1897."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 24, be now read in full, and translated, printed and referred, which motion was seconded by Mr. Dalies, put to a vote and declared carried, and Council Bill No. 24 was ordered translated, printed and referred to the Committee on Territorial Affairs.

A message from the Honorable House of Representatives was announced, and received, as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has concurred in the Council amendment to House Joint Resolution No. 3, striking out the words 'not otherwise appropriated,' but that the House has not concurred in the amendment striking out the words 'one hun-



dred' and inserting in lieu thereof the word 'fifty' and ask the appointment by the Council of a Committee of conference upon the same.

"Also that the House has duly passed Council Bill No. 1: 'An Act to amend Chapter 116 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico.'"

Mr. Dalies, chairman on County and County Lines, asked unanimous consent to make report on Council Bill No. 15: "An Act to abolish the County of Torrance created by an act entitled 'An Act to create the County of Torrance, and to provide for the government thereof,' approved March 16, 1903, and creating a new county with different boundaries with the name of Torrance." There being no objection unanimous consent was granted, whereupon Mr. Dalies presented the following report:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 4th, 1907.

"Mr. President:

"Your Committee on County and County Lines, to whom has been referred Council Bill No. 15, has had the same under consideration, and I am directed to report the said Council Bill No. 15, to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Council Bill No. 25, by Mr. Cameron: "An Act relating to incorporated cities, towns and villages in New Mexico."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 25 be read a second time in full and be translated, printed and referred, which motion was seconded by Mr. Dalies, was put to a vote and declared carried, and Council Bill No. 25 was ordered translated, printed and referred to the Committee on Municipal and Private Corporations.

Council Bill No. 26, by Mr. Cameron: "An Act to prohibit gambling in the Territory of New Mexico."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 26 be read a second time in full, and ordered translated, printed and referred, which motion was seconded by Mr. Dalies, was put to a vote and declared carried, and Council Bill No. 26 was ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 27, by Mr. Dalies: "An Act for the relief of the County of Torrance."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 27 be read a second time in full, which motion was seconded by Mr. Cameron, was put to a vote and declared carried.

Mr. Dalies moved that the rules be further suspended and that Council Bill No. 27 be considered translated, printed and referred, and that the same be read a third time by title preparatory to its passage, which motion was seconded by Mr. Cameron and upon call of the roll resulted as follows:

Ayes: 12. Nays: None. And it was ordered that Council Bill No. 27 be read a third time. Mr. Dalies then moved that Council Bill No. 27, do now pass which motion was seconded by Mr. Martinez, and upon call of the roll resulted as follows:

Ayes: 12. Nays: None. And Council Bill No. 27 was declared having passed the Council.

Bills on their third reading being in order, Mr. Dalies, chairman of the Committee on County and County Lines, presented Council Bill No. 15.

Mr. Dalies moved that Council Bill No. 15, be now read a third time by title preparatory to its passage; seconded by Mr. Miera, was put to a vote and declared carried. Mr. Dalies then moved that bill do now pass, which was put to a vote and upon call of the roll resulted as follows:

Ayes: Eleven. Nays: One. Whereupon Council Bill No. 15 was declared having passed the Council.

Mr. Dalies moved that the Council do now adjourn until 2:30 p. m. tomorrow, which motion was seconded by Mr. Chaves, was put to a vote and declared carried, and the Council stood adjourned until tomorrow, Tuesday afternoon at 2:30 o'clock.

CHARLES A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

**SIXTEENTH DAY.**

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**AFTERNOON SESSION.**

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 5th, 1907,  
Tuesday 2:30 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of yesterday's Journal be dispensed with and that it stand approved, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried and the Journal of yesterday's proceedings stands approved.

Reports of standing committees being in order the following were presented:

Report of Committee on Finance, Mr. Sargent, chairman:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 5th, 1907. .

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Bill No. 8: 'An Act authorizing the Territorial Auditor and Treasurer to harmonize certain discrepancies on the books of their respective offices, and for other purposes,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 8 be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the report of the Committee stood adopted.

Report of Committee on Finance, Mr. Sargent, chairman:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 5th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred Coun-

cil Bill No. 9: 'An Act to amend certain sections of Chapter 52 of the Laws of 1903,' has had the same under consideration and I am directed to report the said bill to the Council with the recommendation that it be passed.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 9 be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the report of the Committee on Finance on Council Bill No. 9 stood adopted.

Report of Committee on Territorial Affairs, Mr. Miera, chairman:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 4th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 2: 'An Act entitled, an act to repeal Chapter 2 of the Session Laws of 1901 and to provide for the appointment of County Officers in case of vacancies,' has had the same under consideration, and I am directed to report the said Bill No. 2 to the Council with the recommendation that it be passed with amendment that it will take effect thirty days after its passage.

"E. A. MIERA, Chairman."

Mr. Martinez moved that the report of the Committee on Territorial Affairs on Council Bill No. 2 be adopted, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried, and the report of the Committee on Territorial Affairs on Council Bill No. 2 stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 28, by Mr. Miera: "An Act to prohibit unfair discrimination between different sections, committees or localities, or unfair competition, and providing penalties therefor."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 28 be read a second time in full and ordered translated, printed and referred, which motion was seconded by Mr. Chaves, put to a vote and declared carried, read a second time in full and ordered translated, printed and referred to Committee on Territorial Affairs.

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Council Bill No. 29, by Mr. Martinez: "An Act to amend section 3447 of the Compiled Laws of New Mexico of 1897."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 29 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and Council Bill No. 29 was read a second time in full and ordered translated, printed and referred to Committee on Judiciary.

Council Bill No. 30, by Mr. Martinez: "An Act relative to the practice in the Supreme Court."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 30 be read a second time in full, ordered translated, printed and referred, which motion was seconded by Mr. Miera, was put to a vote and declared carried, and Council Bill No. 30 was read a second time in full and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 31, by Mr. Chaves: "An Act to amend Section 8 of Chapter 2, of the Session Laws of 1903, relative to admittance to the Institute for the Blind."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that Council Bill No. 31 be read a second time in full, considered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and Council Bill No. 31 was read a second time in full. Mr. Chaves moved that the rules be further suspended and that Council Bill No. 31 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, Council Bill No. 31 was read a third time by title (also read in full for information).

Mr. Chaves moved that Council Bill No. 31, do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None, and Council Bill No. 31 was declared as having passed the Council.

Council Bill No. 32, By Mr. Sulzer: "An Act for the improvement of the Rio Grande."

Read first time by title.

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Mr. Sulzer moved that the rules be suspended and that Council Bill No. 32 be read a second time in full, considered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and Council Bill No. 32 was read a second time in full. Mr. Sulzer then introduced a letter from Mr. Pitt Ross, County Surveyor, Barnalillo County, explaining the necessity for the urgent needs of the passage of this bill as follows, and asked that the same be spread on the Journal, there being no objection it was so ordered.

“Albuquerque, N. M., February 4th, 1907.

“Hon. Jos. F. Sulzer, Territorial Council, Santa Fe, N. M.

“Dear Sir:

“Having been recently directed by the Board of Commissioners of this county, to report to them the condition of the Rio Grande north of and in the vicinity of Albuquerque, with relation of the protection of the valley property from damage by spring floods, I desire also to call your attention to some of the results of my investigations.

“The valley farms in the district referred to, have suffered from damage by high waters of the Rio Grande considerably in the years 1903-4, and some in 1905, the Board having expended a large amount of money on dike protection in the latter year and some in 1906, with good results.

“As yet, however, the county has but the nucleus of proper dike protection, but if this is maintained and extended as it is hoped to do, it will form a very fair system. The expenditure in this work has amounted to about \$25,000.00, most of which was in the last four years, and more is necessary this spring.

“While the expenditure on the dikes has brought good results there is another feature of river work which has not yet been attempted, at least not in a public way, that of correcting and restraining the flow of the river in its proper and more direct course. It is possible, by protection of the river banks at various points, and the digging of canals through the sandbars at other points, to materially straighten the river's course and lessen the danger along the dikes in seasons of high water. There are several points along the Rio Grande in this county where such work is needed now, and should be done to a certain extent annually.

“An important factor of such protection also, is the conservation of the volunteer growth of cottonwoods and willow bushes along the stream, which in themselves constitute a great source of strength to the banks. These also furnish material for emergency

and diversion work. Some splendid groves are now found at intervals along the river, and these, with care, might be made continuous and form an almost invulnerable protection.

"The expenditure of Five Thousand Dollars on such work as I have outlined above, and the supplementing of that with half the amount annually for a few years would result in the encouragement of the farming district to a surprising extent in the matter of increased acreage and yield, where the people have suffered from previous floods.

"Very truly yours,

"PITR ROSS, County Surveyor."

Mr. Sulzer moved that the rules be further suspended and that Council Bill No. 32 be read a third time preparatory to its passage, which motion was duly seconded by Mr. Martinez. Upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Sargent, Stockton, Sulzer, Mr. President. (8).

Nays: Cameron, Dalies, Murray, Richards. (4).

There being eight in the affirmative and four in the negative the motion was declared carried, and Council Bill No. 32 was read a third time by title.

Mr. Martinez moved that Council Bill No. 32 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll resulted in the following vote:

Ayes: Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President.

Nays: None.

Mr. Cameron, being recognized, asked to be excused from voting on the pending question and, there being no objection, excuse was thereby granted.

Ayes, 11; nays, none; and Council Bill No. 23 was declared having passed the Council.

Council Bill No. 33, by Mr. Duncan: "A bill providing for the assessment, levying and collection of taxes, and to revise and harmonize existing statutes pertaining to revenue." Read a first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 33 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and Council Bill No. 33 was read a second time by title and ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 34, by Mr. Richards: "An Act to repeal Chapter 33 of the Session Laws of 1903, known as House Bill No. 155, passed over the Governor's veto, March 11, 1903."

Mr. Richards moved that the rules be suspended and that Council Bill No. 34 be read a second time in full and ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and Council Bill No. 34 was read a second time in full, ordered translated, printed and referred to the Committee on Railroad Employes, Labor and Commerce.

Mr. Cameron moved that Council Bill No. 34 be taken out of the hands of the Committee on Railroad Employes, Labor and Commerce, to be taken up by the Council for immediate consideration, which was duly seconded by Mr. Duncan, put to a vote and declared carried, and Council Bill No. 34 was declared still pending before the Council.

Mr. Duncan moved that the rules be further suspended and that Council Bill No. 34 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and Council Bill No. 34 was read a third time by title.

Mr. Richards moved that Council Bill No. 34 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 34 was declared having duly passed the Council.

Bills on their third reading:

Council Bill No. 8: "An Act authorizing the Territorial Auditor and Treasurer to harmonize certain discrepancies on the books of their respective offices, and for other purposes," was read a third time by title.

Mr. Sargent moved that Council Bill No. 8 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 8 was declared having duly passed the Council.



Council Bill No. 9: "An Act to amend certain sections of Chapter 52 of the Laws of 1903," was read a third time by title.

Mr. Sargent moved that Council Bill No. 9 do now pass, which motion was duly seconded by Mr. Martinez, and on call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 9 was declared having duly passed the Council.

Council Bill No. 2: "An Act to repeal Chapter 2 of the Session Laws of 1901, and to provide for the appointment of county officers in the case of vacancies," was read a third time by title.

Mr. Duncan moved that the amendment offered by the Committee on Territorial Affairs on Council Bill No. 2 be adopted, which motion was duly seconded by Mr. Miera. Mr. Dalies moved that the amendment to Council Bill No. 2, offered by the Committee on Territorial Affairs, be laid on the table indefinitely, which motion was duly seconded by Mr. Cameron, and upon call of the roll resulted in the following vote:

Ayes: Cameron, Dalies, Martinez, Murray, Richards, Mr. President. (6).

Nays: Chaves, Duncan, Miera, Sargent, Stockton, Sulzer. (6).

The motion that the amendment to Council Bill No. 2, offered by the Committee on Territorial Affairs, be laid on the table indefinitely was declared lost, and the question now recurred on the original motion of Mr. Duncan, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Sargent, Stockton, Sulzer. (7).

Nays: Cameron, Dalies, Murray, Richards, Mr. President. (5).

Amendment offered by the Committee on Territorial Affairs on Council Bill No. 2 was declared adopted.

Mr. Duncan moved that Council Bill No. 2 be read a third time as amended preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and Council Bill No. 2 was read a third time as amended.

Mr. Martinez moved that Council Bill No. 2 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

Council Bill No. 2 was declared having duly passed the Council.

The President announced that he would add to the Committee on Territorial Affairs two other members, as follows: Martinez, M., and Richards, H. A.

Mr. Dalies moved that the Council do now adjourn until 2:30 p. m. tomorrow, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried, and the Council stood adjourned until 2:30 p. m., Wednesday, February 6th.

CHARLES A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## SEVENTEENTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 6th, 1907.  
Wednesday, 2:30 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Mr. Dalies being excused on account of sickness.

There being a quorum present the Council proceeded to business.

A message from the Honorable House of Representatives was announced and received.

"Mr. President:

"I am instructed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed House Bill No. 14: 'An Act to amend Section 1294, of the Compiled Laws of 1897, relative to combinations and monopolies.'

"Also, that the House has duly passed the House Joint Resolution No. 4: 'Providing for the payment of employees and contingent expenses of the Legislature,' and respectfully asks the concurrence of this Honorable Body in said measure.'"

The Chair announced that it had signed House Joint Resolution

No. 2: "An Act relative to the appointment of a Joint Committee to draft a registration and election law."

Mr. Stockton moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Introduction of Bills being in order the following were introduced:

Council Bill No. 35, by Mr. President: "An Act defining estray animals, and providing for the taking up of the same, for the return of estrays to their owners, or for the sale of the same by the Cattle Sanitary Board of New Mexico."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 35 be read a second time by title, and ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and Council Bill No. 35, was read a second time by title and ordered translated, printed and referred to the Committee on Agriculture.

Council Bill No. 36, by Mr. Sargent: "An Act to amend section 1799 of the Compiled Laws of 1897."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 36 be read a second time in full and ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and Council Bill No. 36 was read a second a second time in full, and ordered translated, printed and referred to Committee on Finance.

Council Bill No. 37, by Mr. Cameron: "An Act entitled an act for the protection of highway bridges, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 37 be read a second time in full and ordered translated, printed and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and Council Bill No. 37 was read a second time in full and ordered translated, printed and referred to Committee on Roads and Highways.

Business on the President's table being in order the following was taken up for consideration:

House Bill No. 14: "An Act to amend Section 1294 of the Compiled Laws of 1897 relative to combinations and monopolies."

Mr. Duncan moved that the rules be suspended and that House Bill No. 14 be read a second time by title, and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and House Bill No. 14 was read a second time by title and ordered referred to Committee on Territorial Affairs.

House Joint Resolution No. 4: "Providing for the payment of employes and contingent expenses of the Legislature."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that House Joint Resolution No. 4 be read a second time in full, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and House Joint Resolution No. 4 was read a second time in full. Mr. Martinez moved that the rules be further suspended and that House Joint Resolution No. 4 be read a third time by title, preparatory to its passage, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and House Joint Resolution No. 4 was read a third time by title. Mr. Martinez moved that House Joint Resolution No. 4, do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Richards, Stockton and Mr. President. (8).

Nays: Cameron, Sargent and Sulzer. (3).

Mr. Dalies absent. House Joint Resolution No. 4 was declared having duly passed the Council.

Mr. Cameron, acting for the Chairman of the Committee on Enrolled and Engrossed Bills, being recognized announced:

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills have had under consideration and have compared Council Bill No. 1, and report that they have found that Council Bill No. 1: 'An Act to amend Chapter 116 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico,' to be correctly and properly enrolled and engrossed and that it is now ready to be signed."

The Chair announced having signed Council Bill No. 1: "An Act to amend Chapter 116 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico."

The Chair also announced having signed House Joint Resolution No. 4: "Providing for the payment of employes and contingent expenses of the Legislature."

Mr. Martinez moved that the Council do now adjourn until to-

morrow afternoon at 2:30, which motion was duly seconded by Mr. Sulzer, put to a vote and declared carried, and the Council stood adjourned until Thursday afternoon at 2:30 o'clock.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## EIGHTEENTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 7, 1907.  
Thursday, 2:30 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Mr. Dalies being absent on account of sickness.

There being a quorum present the Council proceeded to business.

A message from the Honorable House of Representatives was announced and received, as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform the Honorable Legislative Council that the House has refused to concur in the passage of Council Bill No. 32: 'An Act for the improvement of the Rio Grande.'

"Also that the House has passed House Bill No. 23: 'An Act to prohibit attempts to influence Legislators, and for other purposes.'

"Also that it has passed House Bill No. 24: 'An Act to amend Section 1123 of the Compiled Laws of New Mexico of 1897 relative to the crime of larceny by embezzlement.'

"Also, that it has passed House Substitute for House Bill No. 25: 'An Act to amend Section 1099 of the Compiled Laws of New Mexico of 1897 relative to the crime of assault.'

"Also, that it has amended and passed Council Bill No. 27: 'An Act for the relief of the County of Torrance,' and respectfully asks the concurrence of this Honorable Body in all of said matters."

The Journal of yesterday's proceedings was read and Mr. Martinez moved that the Journal of yesterday's proceedings as read be approved, which motion was duly seconded by Mr. Stockton, was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Message from the Executive of the Territory of New Mexico announced and received.

Reports of standing committees being in order the following were presented:

By Mr. Murray, Chairman of Committee on Mines and Public Lands.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 7th, 1907.

"Mr. President:

"Your Committee on Mines and Public Lands, to whom has been referred Council Bill No. 3, being 'An Act granting and donating to the City of Roswell a portion of School Section No. 16, in Township No. 11 south, of Range 24 east, in Chaves County, New Mexico, for cemetery purposes, together with a right of way over a portion of said section for an entrance way to said land, and authorizing and directing the Governor and the Commissioner of Public Lands to make, execute and deliver to the said City of Roswell a good and sufficient deed for said property,' have had the same under consideration, and I am directed to report the said Council Bill No. 3 to the Council with the following recommendations, viz:

"1. That the title thereof be changed and amended by substituting for the words 'granting and donating' the words providing for selling and granting.'

"2. That Section 1 of said act be amended by inserting after the word 'granted' in the sixth line the words 'bargained and sold' and after the word 'ground' at the conclusion of said section the words 'for and in consideration of the sum of two hundred three and 80-100 dollars, to be paid as hereinafter provided.'

"3. That Section 3 be amended by adding thereto the following words: 'Provided, however, no such deed shall be executed and delivered, and herein provided until the said City of Roswell shall have paid to the Commissioner of Lands, to be by him disposed of as other monies realized from Public School Lands the said sum of two hundred three and 80-100 dollars.'

"4. That the bill be passed with the amendments proposed.

"W. D. MURRAY, Chairman."

Mr. Murray moved that the report be adopted, which motion was seconded by Mr. Miera, put to a vote and declared carried, and the report of Committee on Mines and Public Lands on Council Bill No. 3 stood adopted.

By Mr. Murray, Chairman of Committee on Mines and Public Lands:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 7th, 1907.

"Mr. President:

"Your Committee on Mines and Public Lands, to whom has been referred Council Bill No. 4: 'An Act granting and donating to the town of Artesia, in Eddy County the SW.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$  of Section 16, Township 17 South, of Range 26 East, for cemetery purposes, and authorizing and directing the Governor and the Commissioner of Public Lands to make, execute and deliver to the said town of Artesia a good and sufficient deed for said property,' has had the same under consideration, and I am directed to report the said Council Bill No. 4 to the Council with the following recommendations, viz:

"1. That the title thereof be changed and amended by substituting for the words 'granted and donating' the words 'providing for selling and granting.'

"2. That Section 1 of said act be amended by inserting after the word 'granted' in the third line the words 'bargained and sold' and after the word 'ground' at the conclusion of said section the words 'for and in consideration of the sum of fifty dollars, to be paid as hereinafter provided.'

"3. That Section 2 be amended by adding thereto the following words 'provided, however, no such deed shall be executed and delivered, as herein provided until the said Town of Artesia shall have paid to the Commissioner of Lands, to be by him disposed of as other monies realized from Public School Lands the said sum of fifty dollars.'

"4. That the bill be passed with the amendments proposed.

"W. D. MURRAY, Chairman."

Mr. Murray moved that the report of the Committee on Mines and Public Lands on Council Bill No. 4 be adopted, which motion was duly seconded by Mr. Miera, put to a vote and declared car-

ried, and the report of the Committee on Mines and Public Lands on Council Bill No. 4 stood adopted.

Introduction of bills being in order the following bills were introduced:

Council Bill No. 38, presented by Mr. President by request: "An Act to amend Chapter 51 of the Statutes, approved March 12th, 1903, entitled an act granting certain land in the City of Santa Fe, Territory of New Mexico, to the Women's Board of Trade and Library Association as a site for a free library building."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 38 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and Council Bill No. 38 was read a second time in full and ordered translated, printed and referred to the Committee on Public Property.

Council Bill No. 39, by Mr. Murray: "An Act extending an act approved March 16th, 1899, Chapter 54, Session Laws of 1899."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 39 be read a second time by title and ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and Council Bill No. 39 was read a second time by title and ordered translated, printed and referred to the Committee on Municipal and Private Corporations.

Bills on their third reading being in order the following were taken up for consideration:

Council Bill No. 3 was taken up for consideration and report of the Committee on Mines and Public Lands read with amendments.

Mr. Cameron moved that the amendments proposed by the Committee on Mines and Public Lands to Council Bill No. 3 be adopted, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried, and the amendments to Council Bill No. 3 as proposed by the Committee on Mines and Public Lands stood adopted.

Mr. Murray moved that Council Bill No. 3, as amended, be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and Council Bill No. 3 was read a third time as amended. Mr. Murray then moved that Council Bill No. 3, do now pass, which motion



was duly seconded by Mr. Duncan, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. Mr. Dalies being absent on account of sickness.

Council Bill No. 3 was declared having duly passed the Council.

Council Bill No. 4 was taken up for consideration and report of the Committee on Mines and Public Lands read with the amendments. Mr. Murray moved that the amendments proposed by the Committee on Mines and Public Lands to Council Bill No. 4 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendments to Council Bill No. 4, as proposed by the Committee on Mines and Public Lands stood adopted.

Mr. Cameron moved that Council Bill No. 4, as amended, be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried, and Council Bill No. 4 was read a third time as amended.

Mr. Cameron moved that Council Bill No. 4, do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. Mr. Dalies absent on account of sickness.

Council Bill No. 4 was declared having duly passed the Council.

Business on the President's table being in order the following were taken up for consideration:

House Bill No. 23: "An Act to prohibit attempts to influence Legislators, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 23 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and House Bill No. 23 was read a second time by title and ordered referred to Committee on Territorial Affairs.

House Bill No. 24: "An Act to amend Section 1123 of the Compiled Laws of New Mexico of 1897 relative to the crime of larceny by embezzlement."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 24 be read a second time by title and referred, which mo-

tion was duly seconded by Mr. Miera, was put to a vote and declared carried, and House Bill No. 24 was read a second time by title and ordered referred to the Committee on Judiciary.

House Substitute for House Bill No. 25: "An Act to amend Section 1099 of the Compiled Laws of New Mexico of 1897 relative to the crime of assault."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that House Substitute for House Bill No. 25 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and House Substitute for House Bill No. 25 was read a second time by title and ordered referred to the Committee on Judiciary.

The Chair announced that it had received the following communication from the Governor of the Territory of New Mexico: "Message No. 3.

"Santa Fe, N. M., February 6th, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed Council Bill No. 1: 'An Act to amend Chapter 116 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico. I am,

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

The President stated: "The Chair announces that in accordance with House Joint Resolution No. 2, passed by the Council, directing the President of the Council to name a Committee of five to confer with a like Committee of the House, to draft certain election laws, that the Chair will name upon that committee Mr. Martinez, Mr. Duncan, Mr. Richards, Mr. Miera, Mr. Cameron."

Mr. Duncan moved that the Council do now adjourn until 10 o'clock tomorrow morning, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the Council stood adjourned until Friday morning at 10 o'clock.

CHAS. A. SPIESS,

President of the Council.

W. E. MARTIN,

Chief Clerk of the Council.

**NINETEENTH DAY.**

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**MORNING SESSION.**

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 8th, 1907.  
Friday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Mr. Martinez moved that the Council do now go into Executive Session, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. The Council went into Executive Session at 10:30 a. m.

At 10:30 a. m. Council resolved itself into Executive Session and at 11:55 Council called to order by the President. Upon motion of Mr. Duncan duly seconded by Mr. Martinez, Council took a recess until 2 o'clock.

**AFTERNOON SESSION.**

Council met pursuant to recess, called to order by the President at 2:30 o'clock.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray Richards, Sargent, Stockton, Sulzer and Mr. President. Mr. Dalies excused on account of sickness.

There being a quorum present the Council proceeded to business.

A message from the Honorable House of Representatives announced and received:

"Mr. President:

"I am directed by the Honorable House of Representatives to report to this Honorable Body that the House has duly passed House Joint Resolution No. 4, the Governor's veto thereto to the contrary

notwithstanding, and I submit, together with House Joint Resolution No. 4, the message of the Governor of New Mexico, Veto Message No. 1, herewith."

Mr. Martinez moved that the Council take up the communication of the Governor of New Mexico for consideration, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the communication of the Governor on House Joint Resolution No. 4, was declared before the Council for consideration and read in full.

Mr. Miera called to the Chair. Mr. Spiess moved that the vote by which House Joint Resolution passed the Council be reconsidered, which motion was seconded by Mr. Martinez, put to a vote and declared carried, and House Joint Resolution No. 4 was declared before the Council for reconsideration. Mr. Spiess moved that House Joint Resolution No. 4, do now pass, the objections of the Governor of New Mexico thereto to the contrary notwithstanding, which motion was duly seconded by Mr. Martinez and upon call of the roll resulted in the following vote:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. Mr. Dalies absent on account of sickness.

House Joint Resolution No. 4 was declared having duly passed the Council.

Introduction of Bills being in order the following were introduced:

Council Bill No. 40, by Mr. Cameron: "An Act to encourage the importation and raising of improved male animals for breeding purposes, and providing for a lien on the offspring of such male animals for their services, and the procedure for enforcing same, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 40 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and Council Bill No. 40 was read a second time by title and ordered translated, printed and referred to Committee on Agriculture.

A message from the Executive of New Mexico was announced and received, as follows:

"Message No. 4.

"OFFICE OF THE EXECUTIVE,

"Santa Fe, N. M., February 8th, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed House Joint Resolution No. 2, relative to the appointment of a Joint Committee to draft a registration and election law.

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

Mr. Duncan moved that the Council go into recess until 7:30 p. m., which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the Council went into recess until this evening at 7:30 o'clock.

#### EVENING SESSION.

Council met pursuant to recess and called to order by the President at 7:30 o'clock,

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

A message from the House of Representatives was announced and received.

"Mr. President:

"I have been instructed by the Honorable House of Representatives to inform the Honorable Legislative Council that the House has duly passed House Joint Resolution No. 5: 'Providing for the payment of employes and contingent expenses of the Legislature,' and respectfully asks the concurrence of this Honorable Body thereto."

House Joint Resolution No. 5, "Providing for the payment of employes and contingent expenses of the Legislature" was then read first time in full.

Mr. Duncan moved that the rules be suspended and that House Joint Resolution No. 5 be read a second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Duncan moved that the rules be further suspended and that House Joint Resolution No. 5 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried.

Read third time by title, preparatory to its passage.

Mr. Martinez moved that House Joint Resolution No. 5, do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the vote resulted as follows:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Sargent, Stockton, Sulzer and Mr. President. (3).

Nays: None. Mr. Cameron asked to be excused from voting.

The vote being nine in the affirmative and none in the negative the Chair declared House Joint Resolution No. 5 as having duly passed the Council.

The President announced having signed House Joint Resolution No. 5.

Mr. Sargent moved that the Council adjourn until 3 o'clock Monday afternoon, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried and the Council stood adjourned until Monday afternoon at 3 o'clock p. m.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## TWENTY-SECOND DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 11th, 1907.  
Monday, 3 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer and Mr. President.

Mr. Dalies and Mr. Murray excused on account of sickness.

There being a quorum present the Council proceeded to business.

The Journal of previous day's proceedings was read and Mr. Miera moved that the Journal of the previous day's proceedings as read be approved, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the Journal of previous day's proceedings stood approved.

The President announced to the Council that it had received a communication from Mr. W. S. Hopewell as follows:

"Santa Fe, N. M., February 7th, 1907.

"Hon. Chas. A. Spiess, President Council, Thirty-seventh Legislative Assembly.

"Sir: At the request of a committee of the taxpayers and citizens of the County of Torrance, New Mexico, I take pleasure in extending to your Honorable Body an invitation to visit the said County of Torrance at such time as may be most convenient, over the line of the Santa Fe Central Railway, for the purpose of viewing the conditions, development and progress of the said county, which line of railway runs through the center of the Estancia valley and passes through the principal towns of said county, viz: Moriarity, McIntosh, Estancia, and Willard; with the assurance that the people of said county will extend to you a hearty welcome and will be only too happy to point out to you the development and resources of the said county.

"In this connection I desire to say, that should this invitation be accepted, a special train of the S. F. C. Ry, will be provided and at your disposal to take your Honorable Body through the County of Torrance and return, at such time as may be fixed for the trip.

"A like invitation has been extended to the members of the Honorable House of Representatives of the Assembly to accompany you on your visit to the said county.

"Please advise me of your action in this matter at the earliest possible date, and oblige.

"Very respectfully,

"W. S. HOPEWELL."

The President stated: "The House has appointed a committee of three to confer with a like committee of the Council upon this matter of accepting the invitation from Mr. Hopewell to go through the Estancia Valley on the Santa Fe Central Railway."

Mr. Martinez moved that the Council appoint a committee of three to confer with the House Committee with reference to accepting the invitation extended by Mr. Hopewell, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried, and the President appointed as a committee, Martinez, Duncan and Stockton.

Reports of standing committees being in order the following were introduced:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 11th, 1907.

“Mr. President:

“Your Committee on Irrigation to whom has been referred Council Bill No. 20: ‘An Act to repeal Chapter 57 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, the title of which is ‘An Act entitled an act to aid in establishing a permanent water reservoir for irrigation purposes at or near the Elephant Butte, New Mexico, and for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of the water in the bed of said river, approved March 13th, 1905,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

“M. B. STOCKTON, Chairman.”

Mr. Cameron moved that the report of the Committee on Irrigation on Council Bill No. 20 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared adopted.

Introduction of Bills being in order, the following were introduced:

Council Bill No. 41, by Mr. President: “A general act relating to negotiable instruments, being an act to establish a law uniform with the laws of the other states on that subject.”

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 41 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time by title, ordered translated, printed and referred to the Committee on Judiciary.

Regular order being bills on their third reading the following were taken up:

Council Bill No. 20 was read third time by title.

Mr. Miera moved that Council Bill No. 20 be read third time in full preparatory to its passage, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and Council Bill No. 20 was read a third time in full, and laid on the President's table without prejudice to await the further action of the Council.

Mr. President on behalf of Mr. Cameron presented Petitions Nos. 2 and 3, which were read in full and referred to the Committee on Roads and Highways.



Mr. Miera moved that the Council do now adjourn until 10 o'clock tomorrow morning, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried and the Council stood adjourned until Tuesday morning at 10 o'clock.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## TWENTY-THIRD DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 12th, 1907.  
Tuesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Chaves, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer and Mr. President. Dalies and Murray absent on account of sickness.

There being a quorum present the Council proceeded to business.

The Journal of the preceding days proceedings was read and Mr. Chaves moved that the Journal stand approved as read, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the Journal of yesterday's proceedings stood approved as read.

A message from the House was announced and received.

"Mr. President:

"I am instructed by the Honorable House of Representatives to report to this Honorable Body that the House has duly passed House Bill No. 19: 'An Act to provide an electric light and power plant for the Territorial Penitentiary.'

"Also that the House has duly passed House Bill No. 68: 'An Act assenting to the purpose of grants of money authorized by an act of Congress entitled 'An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof, approved March 16, 1906,' and respectfully ask the concurrence of this Honorable Body thereto."

Introduction of petitions being in order Mr. President presents Council Petition No. 4, which was read in full and referred to the Committee on Finance.

Reports of standing committees being in order the following were presented:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 12th, 1907.

“Mr. President:

“Your Committee on Railroads to whom has been referred Council Bill No. 11: ‘An Act for the assessment and collection of taxes on Sleeping cars, etc.,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be laid on the table indefinitely and that the accompanying substitute therefor be passed.

“J. S. DUNCAN, Chairman.”

Report read.

Mr. Duncan moved that the report be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the report of the Committee on Railroads stood adopted.

Reports of special committees being in order the following was presented:

“Santa Fe, N. M., February 12th, 1907.

“Mr. President:

“Your Committee appointed to confer with a like Committee of the Honorable House of Representatives, have the honor to report to the Council, that said Committee has met, conferred and recommended that the invitation be accepted and that said trip be taken next Thursday, and respectfully ask that the Chief Clerk be instructed to communicate our action to Mr. W. S. Hopewell.

“MALAQUIAS MARTINEZ, Chairman.”

Report read.

Mr. Martinez moved that the report stand adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared adopted.

Mr. Sargent from the Committee on Finance made the following report:

“Mr. President:

“Your Committee on Finance to whom was referred Council Bill No. 38: ‘An Act providing for the assessment, levying and collection of taxes, and to revise and harmonize existing statutes

pertaining to revenue, have had the same under consideration and I am directed to report said bill to the Council with the recommendation that it be considered in Committee of the Whole."

Mr. Sargent moved that the report of the Committee be adopted, which motion being duly seconded by Mr. Miera was put to a vote and declared carried.

Introduction of bills being in order the following were introduced:

Council Bill No. 42, by Mr. Duncan, by request: "An Act providing a method for the assessment of shares of stock in National and other banks and to fix the duties of the Board of Equalization in relation thereto."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 42 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried.

Read second time by title, ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 43, by Mr. Chaves: "An Act for the benefit and support of indigent persons and hospitals of the Territory of New Mexico."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that Council Bill No. 43 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read second time by title, ordered translated, printed and referred to the Committee on Territorial Affairs.

Regular order being bills on their third reading the following were taken up:

Council Bill No. 11, which was reported to the Council with the recommendation that it be laid on the table indefinitely.

Mr. Duncan moved that Council Bill No. 11, be laid on the table indefinitely, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and it is ordered that Council Bill No. 11 was laid on the table indefinitely.

Council Substitute for Council Bill No. 11, was then read in full: "An Act for the assessment and collection of taxes on sleeping cars and repealing Sections 4118, 4119, 4120, 4121, of the Compiled Laws of 1897."

Mr. Duncan moved that the rules be suspended and that Council

Substitute for Council Bill No. 11, be read second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read second time by title.

Mr. Duncan moved that the rules be further suspended and that Council Substitute for Council Bill No. 11, be read third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read third time by title.

Mr. Duncan moved that Council Substitute for Council Bill No. 11 do now pass, which motion was duly seconded by Mr. Martinez, and upon the call of the roll the vote resulted as follows:

Ayes: Chaves, Duncan, Martinez, Richards, Sargent, Stockton, Sulzer and Mr. President. (8).

Nays: Miera. (1). Three absent.

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The vote being eight in the affirmative and one in the negative the Chair declared that Council Substitute for Council Bill No. 11 had duly passed the Council.

Business on the President's table being in order the following was taken up.

House Bill No. 19: "An Act providing for an electric light and power plant for the Territorial penitentiary."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 19, be read second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read second time by title.

Mr. Miera asked that House Bill No. 19, be read in full for information; which was done, and House Bill No. 19 was referred to Committee on Territorial Affairs.

House Bill No. 68: "An Act assenting to the purpose of grants of money authorized by an act of Congress entitled 'An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof, approved March 16th, 1906.'"

Read first time by title.

Mr. Martinez moved that the rules be suspended and House Bill No. 68, be read a second time in full and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried.

Read second time in full and referred to the Committee on Judiciary.

Council Bill No. 20, was taken up for consideration and allowed to further lay on the President's table without prejudice.

Mr. President announced having received a communication from the Hon. John R. McFie, which was as follows:

"Santa Fe. N. M., February 12th, 1907.

"To the Honorable President, and the Members of the Legislative Council of the Thirty-seventh Legislative Assembly:

"You are cordially invited to attend an illustrated lecture upon Ancient America and its archaeology by Prof. Edgar L. Hewett of Washington, D. C., in the House of Representatives tonight, February 12th, at 8 o'clock p. m.

Professor Hewitt is a recognized authority upon the subject and the lecture will be both interesting and instructive and will be absolutely free.

"JOHN R. MCFIE,

"President of the Archaeological Society."

Read in full.

Mr. President announced having also received a communication from the New Mexico Good Road's Convention as follows:

"Santa Fe, N. M., February 11th, 1907.

"The Hon. Charles A. Spiess, President of the Council.

"Mr. President:

"The New Mexico Good Road's Convention will hold a session in the Chamber of the House of Representatives, on Monday evening next, February 18th, at 8 o'clock, and a cordial invitation is extended to the members and officers of the Council to be present and participate.

"The subject is certainly one of interest and importance.

"Very respectfully,

"L. BRADFORD PRINCE, President.

"J. L. ZIMMERMAN, Secretary.

"R. E. TWITCHELL, Chairman Executive Com."

Read in full.

Mr Miera was called to the chair.

Mr. Spiess moved that the Council resolve itself into a Committee of the Whole with Mr. Miera in the Chair for the consideration of Council Bill No. 33. At 11:40 Committee arose.

Mr. Spiess being recognized made the following report:

"Mr. President:

"Your Committee of the Whole to whom was referred Council Bill No. 33, have had the same under consideration and have proceeded to adopt section by section and beg leave to report progress.

Mr. Spiess took the Chair at 11:45 and a message from the Governor of New Mexico was announced and received.

Business on the President's table being in order the Governor's Message No. 5 was taken up and read as follows:

"Territory of New Mexico,

"OFFICE OF THE EXECUTIVE. .

"Santa Fe, February 12th, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed House Joint Resolution No. 5: 'Providing for the payment of employes and contingent expenses of the Legislature.

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

Mr. Duncan moved that the Council take a recess until 2:30 Tuesday afternoon, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 2:30 o'clock.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Richards, Sargent, Sulzer, Stockton and Mr. President. Murray and Dalies excused on account of sickness.

There being a quorum present the Council proceeded to business.

Business on the President's table being in order, Council Bill No. 20 was taken up for consideration and allowed to further lay on the President's table without prejudice.

Mr. President submitted a communication received from the Board of Education of Las Vegas, as follows:

"Resolution Concerning County Superintendents of Schools.

WHEREAS, The present very unsatisfactory condition of the schools in many of the rural districts of New Mexico is the most serious problem that confronts our people at the present time, and

WHEREAS, It is the opinion of this Board that the County Superintendent of Schools is the most important factor in its satisfactory solution,

Therefore, be it *Resolved*, By the Board of Education of the Town of Las Vegas, that the Legislative Assembly of the Territory of New Mexico should at once enact such laws as shall secure for

this important office men who have such high educational qualifications and practical teaching experience as will fit them to be real leaders of all of the educational forces of their respective counties; and,

"Be it Further *Resolved*, That these resolutions be spread upon the records of this Board, and that copies be sent to the Members of the Legislative Assembly from this district.

"Duly passed this Fourth day of February, A. D., 1907.

"CECILIO ROSENWALD, President.

"FLORENTINO MONTOYA, Secretary."

Read a first time in full and ordered referred to the Committee on Education.

Mr. President, on behalf of Mr. Sulzer, submitted communication from the Board of Education of Albuquerque, as follows:

"Albuquerque, N. M., February 4, 1907.

"WHEREAS, We, the Board of Education of the City of Albuquerque, take great pride and interest both in the schools of our city, and those of the Territory at large, firmly holding to that basic principle of Americanism, universal education, which has proven the bulwark of our American industrial and commercial supremacy; and,

"WHEREAS, We believe that to foster and encourage not only the institutions of higher education, but especially the common schools of our formative statehood, will commend itself to the superior wisdom and intelligence of our honored law-makers, the New Mexico Legislative Assembly; and,

"WHEREAS, The interests of the common schools demand that such laws be enacted as will secure to the office of County Superintendent of Schools men of recognized educational qualifications, experience and leadership;

Therefore, be it *Resolved*, That the Board of Education of the City of Albuquerque, assures the New Mexico Legislative Assembly of its sympathy with, and indorsement of such legislation as will build securely our educational foundations, the common schools; and,

"Be it Further *Resolved*, That this resolution be spread on the records of this Board, and that copies be sent to the members of the Legislature of this district and to the Governor of New Mexico.

"Approved:

R. W. HOPKINS,

"Attest:

President Board of Education.

"C. S. WHITE, Secretary."

Read first time in full and ordered referred to the Committee on Education.

Mr. President, on behalf of Mr. Stockton, submitted a communication, as follows:

“Raton, N. M., February 5th, 1907.

“To the Hon. M. D. Stockton, care of Hon. Chas. A. Spiess, President of the Council, Santa Fe, New Mexico.

“At a Joint Session of the Order of Railway Conductors, the Brotherhood of Locomotive Engineers, the Brotherhood of Railroad Trainmen and the Brotherhood of Locomotive Firemen, held in Raton on February 5th, 1907, the following resolutions were passed:

“*Be it Resolved*, That the above named orders of Raton, N. M. realizing that in House Bill No. (1) one, that the people of New Mexico at large will be allowed a voice in the selection of the District Attorneys, and feeling as we do, that this is apparently the initiative step in affording a square deal, therefore we respectfully urge and request that our Representative and Councilman in the Thirty-seventh Legislative Assembly do all in their power to vote for and further the passage of said bill. And be it further

“Resolved, That a bill be introduced in the Thirty-seventh Legislative Assembly to repeal House Bill No. 155 of the Session Laws of 1903. And be it further

“Resolved, That our Representatives be asked to introduce a Bill to the Thirty-seventh Legislative Assembly asking that body to enact a law making it unlawful for any railroad or corporation in the Territory of New Mexico to work employes of said railroad or corporation to exceed sixteen (16) hours continuous service, and shall have ten (10) hours' rest before again being called for duty.

“Any violation of this act being punishable by a fine of not less than \$100.00.

(Signed)

“R. B. KELLEY, Chairman.

“O. P. COLEMAN, Secretary.”

Read first time in full and ordered referred to the Committee on Judiciary.

Mr. President announced a communication from His Excellency, the Governor of New Mexico, which was read, as follows:

“Santa Fe, February 11, 1907.

“To the Honorable Chas. A. Spiess, President of the Council.

“Sir: I have the honor to acknowledge receipt of a communication from Mr. W. E. Martin, Chief Clerk of the Legislative Coun-



cil, enclosing copy of Council Resolution No. 1, offered by Mr. Chaves, by which information is desired by the Council with reference to the appointment of a Commission of three persons to secure a bust of the late J. Francisco Chaves in accordance with Council Joint Resolution No. 13, of the Thirty-sixth Legislative Assembly.

"In reply I beg to state that on the 15th day of June, 1905, the Honorable Miguel A. Otero, then Governor of New Mexico, appointed on said Commission the Honorable Solomon Luna, of Los Lunas, the Honorable Pedro Perea, of Bernalillo, and the Honorable E. V. Chavez of Albuquerque.

"Owing to the death of the Honorable Pedro Perea a vacancy occurred on said Commission, and on January 24th, 1906, I appointed the Honorable Frank W. Clancy, of Albuquerque, to fill such vacancy.

"Since receiving notification of the adoption of Council Joint Resolution No. 1, I have interviewed all three members of the Commission, who advise me that no definite arrangements have as yet been made for obtaining the bust, although some correspondence has passed between one member of the Commission and certain artists in New York. One difficulty in carrying out the provisions of the resolution is that very few photographs of the late Colonel Chavez have as yet been obtained by the Commission.

"I have urged upon the members of the Commission to proceed as rapidly as possible with carrying out the provisions of the Joint Resolution of 1905.

"I have the honor to be,

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

Mr. Miera was called to the chair.

Unfinished business being in order Council Bill No. 33, was taken up for consideration. Mr. Spiess moved that the Council do now resolve itself into a Committee of the Whole, with Mr. Miera, in the Chair, for the further consideration of Council Bill No. 33, and the Council resolved itself into a Committee of the Whole at 2:40 p. m.

At 4:30 o'clock p. m. Council called to order by the President.

Mr. Spiess being recognized made the following report:

"Mr. President:

"Your Committee of the Whole, to whom was referred Council Bill No. 33, beg leave to report progress."

On motion of Mr. Stockton, duly seconded by Mr. Chaves, the

Council adjourned until tomorrow morning, Wednesday, at 10 o'clock.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## TWENTY-FOURTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 13th, 1907.  
Wednesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer and Mr. President. Dalies and Murray being absent on account of sickness.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the Journal of yesterday's proceedings stand approved without reading, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and the reading of the Journal of yesterday's proceedings was dispensed with and the Journal stood approved.

Reports of standing committees being in order the following were made:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 13th, 1907.

"Mr. President:

"Your Committee on Finance to whom has been referred Council Bill No. 21, entitled: 'An Act to amend Section 255 of the Compiled Laws of 1897, relative to depositories of Territorial moneys,' has had the same under consideration, and I am directed to report the said bill to the Council without recommendation.

"W. G. SARGENT, Chairman."

Report read in full.

Introduction of bills being in order the following were introduced:

Council Bill No. 44, by Mr. President: "An Act providing a method for the removal of Public Officers."

Read first time in full.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 44, be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time by title, ordered translated, printed and referred to the Committee on Judiciary.

Bills on their third reading being in order the following were taken up:

Council Bill No. 21, which was reported by the Committee on Finance to the Council without recommendation was read in full for information and referred to the Committee on Judiciary.

Business on the President's table being in order the following was taken up:

Council Bill No. 20, allowed to further remain on the President's table without prejudice.

Mr. Miera called to the Chair and Mr. Spiess moved that the Council do now resolve itself into a Committee of the Whole with Mr. Miera in the Chair for the further consideration of Council Bill No. 33, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

At 11:45 Mr. Spiess moved that the Committee of the Whole do now rise and report to the Council that the Committee of the Whole is still considering the provisions of Council Bill No. 33, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Mr. President took the Chair.

Business on the President's table continued.

House amendment to Council Bill No. 27, was read as follows:

"Amendment to Council Bill No. 27, by inserting immediately after the title of said act the words 'be it enacted by the Legislative Assembly of the Territory of New Mexico,' and by striking out all of Section 1, after the words 'interest to be payable semi-annually,' appearing in the fifth line of said Section, and inserting in lieu thereof the following language:

'An obligation in the shape of a promissory note, or other proper evidence of the indebtedness incurred by virtue of the loan herein provided for, shall be executed by the County Commissioners of

said County of Torrance in favor of the Territory of New Mexico, which said obligation shall be prepared by the Attorney General of said Territory. The sum of this loan shall be used exclusively for the purpose of aiding said County of Torrance in the holding of a term of court within and for the said County for the trial of criminal and civil cases therein pending, and shall be placed to the credit of the Court Fund of said County by the Board of County Commissioners thereof, and the Judge of the District Court within and for said County is hereby authorized to use same for the purposes hereinbefore expressed.'

"C. V. SAFFORD, C. C. H."

Mr. Chaves moved that the Council do now concur with the House amendment to Council Bill No. 27, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried, and the Council was declared to have duly concurred in the House amendment to Council Bill No. 27.

The Chair announced having received a communication from the Governor of New Mexico, requesting that the Council and House take some action looking toward the disposition of the Palace Building in Santa Fe with a view to having the title to it transferred to the American Archaeological Society. The President appointed Mr. Sulzer, Mr. Chaves and Mr. Cameron as a special Committee from the Council to confer with a like committee from the House as to whether the House desired to hold this Joint Session.

Mr. Duncan moved that the Council stand in recess until 2:30 p. m. which motion was duly seconded by Mr. Miera, was put to a vote and declared carried.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 2:30 o'clock.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer and Mr. President; Dalies and Murray excused on account of sickness.

There being a quorum present the Council proceeded to business.

Introduction of bills being in order the following were introduced:

Council Bill No. 45, by Mr. President: "An Act relating to quo warranto and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council

Bill No. 45 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and carried, read a second time in full and ordered translated, printed and referred to the Committee on Judiciary.

Message from the Honorable House of Representatives was announced and received, as follows:

"Mr. President:

"I am instructed by the Honorable House of Representatives to inform the Honorable Council that the House has passed House Bill No. 3: 'An Act to amend Section 2389 of the Compiled Laws of New Mexico of 1897, relative to the incorporation of cities and towns.'

"House Substitute for House Bill No. 4: 'An Act to define the property rights and powers of married persons, prescribing grounds for divorce, and other matters, approved March 20, 1901.'

"House Bill No. 8: 'An Act entitled an act to extend the corporate limits of the City of Santa Fe.'

"Amended House Bill No. 3: 'An Act to amend Section 255 of the Compiled Laws of 1897, relative to Territorial depositories.'

"Amended House Bill No. 21: 'An Act in relation to corporations.'

"House Substitute for House Bill No. 29: 'An Act to amend Chapter 38 of the Acts of the Thirty-fifth Legislative Assembly of New Mexico.'

"House Substitute for House Bill No. 4: 'An Act to repeal Chapter 2 of the Session Laws of 1901, entitled an act to provide for the appointment of county officers in cases of vacancies, approved February 11, 1901, and for other purposes,' and to respectfully request the concurrence of this Honorable Body thereto.

"The Honorable House has concurred in the passage of Council Bill No. 2, with an amendment thereto, and respectfully requests concurrence of this Honorable Body therein.

"Also that the House has failed to pass Council Bill No. 31: 'An Act to amend Section 8 of Chapter 2 of the Session Laws of 1903 relative to admission to the Institute for the Blind,' but has duly passed House Substitute for Council Bill No. 31 and respectfully requests the concurrence of this Honorable Body."

Mr. President stated: "The Chair desires to announce that the Committee of five, heretofore appointed by the House to draft election laws for the Territory, has requested the Committee of the

Council to meet with them at 7:30 tomorrow night, in the Hall of the House of Representatives."

Mr. Chaves presented the report of the Committee on Enrolled and Engrossed Bills as follows:

"Your Committee on Enrolled and Engrossed Bills, on Council Bill No. 27, beg leave to report the same to the Council as correctly and properly engrossed.

"JACOBO CHAVES, Chairman."

Mr. President announced having signed Council Bill No. 27: "An Act to relieve the County of Torrance."

Mr. Cameron moved that the rules of the Council be suspended in regard to the regular order of business, for the immediate consideration of business on the President's table, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and the following business on the President's table was taken up for consideration:

Council Bill No. 2: "An Act to repeal Chapter 2 of the Session Laws of 1901, and to provide for the appointment of county officers in cases of vacancies," returned to the Council from the House with an amendment.

Read in full a first time.

Mr. Martinez moved that the Council do concur with the House on Council Bill No. 2, which motion was duly seconded by Mr. Miera, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Martinez, Miera, Richards, Stockton and Mr. President. (6).

Nays: Chaves, Duncan, Sargent Sulzer. (4).

Mr. Murray and Mr. Dalies were absent on account of sickness; and the Council was declared having concurred in the House amendment to Council Bill No. 2.

House Substitute for Council Bill No. 31: "An Act to amend Section 8 of Chapter 2 of the Session Laws of 1903 relative to admission to the Institute for the Blind."

Read a first time by title.

Mr. Cameron moved that the rules be suspended and that House Substitute for Council Bill No. 31 be read a second time in full, which motion was seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time in full.

Mr. Chaves moved that the rules be further suspended and that House Substitute for Council Bill No. 31 be read a third time by

title preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a third time by title.

Mr. Miera moved that House Substitute for Council Bill No. 31 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll, resulted in the following vote:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer. (9).

Nays: Mr. President. (1).

Two absent; and House Substitute for Council Bill No. 31 was declared having passed the Council.

House Bill No. 3: "An Act to amend Section 2389 of the Compiled Laws of New Mexico relative to the incorporation of cities and towns."

Read a first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 3 be read a second time in full and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time in full and ordered referred to the Committee on Municipal and Private Corporations.

House Substitute for House Bill No. 4: "An Act to amend an act entitled an act to define the property rights and powers of married persons, prescribing grounds for divorce, and other matters, approved March 20th, 1901."

Read a first time by title.

Mr. Martinez moved that the rules be suspended and that House Substitute for House Bill No. 4 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, put to a vote and declared carried.

Read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 8: "An Act to extend the corporate limits of the City of Santa Fe."

Read a first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 8 be read a second time in full and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time in full and ordered referred to the Committee on Territorial Affairs.

House Bill No. 13: "An Act to amend Section 255 of the Compiled Laws of 1897, relative to Territorial depositories."

Read a first time by title.

Mr. Sargent moved that the rules be suspended and that House Bill No. 13 be read a second time in full and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time in full and ordered referred to the Committee on Finance.

House Bill No. 21: "An Act in relation to corporations."

Read a first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 21 be read a second time in full and referred, which motion was duly seconded by Mr. Miera, put to a vote and declared carried.

After reading House Bill No. 21 in part, Mr. Chaves moved that on account of the condition in which same was presented that the further reading of it be dispensed with, which motion was duly seconded by Mr. Miera, and further reading of House Bill No. 21 was dispensed with and it was ordered referred to the Committee on Territorial Affairs.

A Committee from the Honorable House of Representatives was announced, and Mr. Holt, Chairman, stated:

"Mr. President:

"The House of Representatives has requested me to inform this Honorable Body that the House of Representatives has favorably considered the suggestion made by the Governor of New Mexico, that a joint session of the two Houses of this Assembly be held this afternoon for the purpose of considering the establishing of a School of Archaeology in Santa Fe, and to confer with a like committee of this Council for the purpose of ascertaining a time for such session."

Mr. President appointed a committee consisting of Mr. Sulzer, Mr. Cameron and Mr. Chaves, to confer with a like committee of the House of Representatives, to appoint a time for a joint session to consider the establishment of a School of Archaeology in Santa Fe.

Mr. Cameron requested and was granted unanimous consent to make a report from the Committee appointed to confer with a like Committee of the House in regard to appointing a time for a Joint Session for the considering of the establishing of a School of Archaeology in Santa Fe, and reports as follows:

"I have been directed by the Chairman of the Committee which



has been recently appointed by the Chair to confer with a like Committee of the House, with reference to a Joint Session for the purpose of considering the establishing of an Archaeological School, and have to report that we have agreed to meet with the House at 4 o'clock; and also to report that the two Committees have appointed a Committee from their number to communicate what has been agreed upon by the two Committees, to His Excellency the Governor."

House Substitute for House Bill No. 29: "An Act to amend Chapter 38 of the Acts of the Thirty-fifth Legislative Assembly of New Mexico."

Read a first time by title, and laid on the President's table.

House Substitute for House Bill No. 44: "An Act to repeal Chapter 2 of the Session Laws of 1901, entitled 'An Act to provide for the appointment of county officers in case of vacancies, approved February 11, 1901, and for other purposes.'"

Read a first time by title.

Mr. Chaves moved that the rules be suspended and that House Substitute for House Bill No. 44 be read a second time in full and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time in full and ordered referred to the Committee on Roads and Highways.

Mr. Miera called to the Chair at 3:35 p. m.

Mr. President, your Committee of the Whole, to whom was referred for further consideration Council Bill No. 33, has had the same under consideration and I am instructed to report progress.

Mr. Spiess moved that the Council do now go into executive session, which motion being duly seconded, was put to a vote and carried, and the Council thereupon resolved itself into executive session at 3:50 p. m.

At 4:10 p. m. the Council was called to order by the President.

Mr. Duncan moved that the Council do now arise and proceed to the Hall of Representatives to meet in Joint Session, which motion, being duly seconded was carried, and the Council thereupon arose.

At 5:45 p. m. Council was called to order by the President.

On motion of Mr. Duncan, duly seconded by Mr. Richards, the Council thereupon adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

## TWENTY-FIFTH DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 14th, 1907,  
Thursday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer, Mr. President. Murray and Dalies absent on account of sickness.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of the Journal of the previous day's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and the Journal of the previous day's proceedings stood approved.

Reports of Standing Committees being in order the following were made:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 13th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 13: 'An Act to amend Sections 2, 3 and 9 of Chapter 65, Session Laws of 1905,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"E. A. MIERA, Chairman."

Mr. Martinez moved that the report of the Committee be adopted, which motion was duly seconded by Mr. Miera, put to a vote and the report was declared adopted.

"Santa Fe, N. M., February 14th, 1907.

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, to whom was referred Council Bill No. 2: 'An Act to repeal Chapter 2 of the Session Laws of 1901 and to provide for the appointment of

county officers in case of vacancies,' beg leave to report the same to the Council as correctly and properly engrossed.

"JACOBO CHAVES, Chairman."

Introduction of bills being in order the following were introduced:

Council Bill No. 46 by Mr. Sargent: "An Act providing for the taxation of Express Companies."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 46 be read a second time in full, and ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time in full, ordered translated, printed and referred to the Committee on Railroads.

Mr. Miera called to the Chair.

Mr. Duncan moved that the Council do now resolve itself into a Committee of the Whole to take up Council Bill No. 33 for further consideration, which motion was duly seconded by Mr. Spiess, put to a vote and the Council resolved itself into a Committee of the Whole at 10:40, and Council arose at 11:50 o'clock.

Mr. Spiess moved that the Council stand in recess until 2 o'clock, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 2 o'clock p. m.

There being a quorum present the Council proceeded to business.

Mr. Miera moved that the Council do adjourn until 10 o'clock a. m., Monday, February 18th, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the Council stood adjourned until 10 o'clock Monday morning.

CHAS. A. SPIESS,

President of the Council.

W. E. MARTIN,

Chief Clerk of the Council.

## TWENTY-NINTH DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 18th, 1907,  
Monday, 10 o'clock.

Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Murray, Sargent, Stockton, Sulzer, Mr. President.

There being a quorum present the Council proceeded to business.

The Journal of Thursday's proceedings was read and Mr. Martinez moved that the Journal of Thursday's proceedings stand approved as read, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried and the Journal stood approved as read.

Introduction of bills being in order the following were introduced:

Council Bill No. 47, by Mr. Sargent: "An Act providing funds for the support and maintenance of charitable institutions."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 47 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Sulzer, put to a vote and declared carried.

Read a second time in full, ordered translated, printed and referred to the Committee on Finance.

Bills on their second reading being in order, the following were taken up:

House Substitute for House Bill No. 29: "An Act to amend Chapter 38 of the Acts of the Thirty-fifth Legislative Assembly of New Mexico."

Read second time by title.

Mr. Sargent moved that the House Substitute for House Bill No. 29 be referred to its proper Committee, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and referred to the Committee on Territorial Affairs.

Mr. Chaves asked that House Substitute for House Bill No. 29 be read in full for information.

Read in full for information.

Bills on their third reading being in order the following were taken up:

Council Bill No. 13: "An Act to amend Sections 2, 3 and 9 of Chapter 65, of the Session Laws of 1905."

Read third time by title and in full for information. Mr. Martinez moved that Council Bill No. 13 do now pass, which motion was duly seconded by Mr. Sargent and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Duncan, Martinez, Murray, Sargent, Stockton, Sulzer, Mr. President. (9).

Nays: None.

The vote being nine in the affirmative and none in the negative, the President declared that Council Bill No. 13 had duly passed.

Business on the President's table being in order.

Council Bill No. 20, which was on the President's table without prejudice was taken up and Mr. Murray asked unanimous consent to have the same recommitted to the Committee on Irrigation, and there being no objection unanimous consent was granted and Council Bill No. 20 was recommitted to the Committee on Irrigation.

Mr. Martinez moved that the Council stand in recess until 3 o'clock p. m., which motion was seconded by Mr. Duncan, put to a vote and declared carried and Council stood in recess until 3 o'clock p. m.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 3 o'clock p. m.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President.

There being a quorum present the Council proceeded to business.

A message from the Governor of New Mexico was announced and received.

Introduction of bills being in order the following were introduced:

Council Bill No. 48, by Mr. President: "An Act to prohibit gambling in the Territory of New Mexico."

Read first time in full. Mr. Martinez moved that the rules be suspended and that Council Bill No. 48 be read a second time by title, ordered translated, printed and referred, which motion was

duly seconded by Mr. Sargent, put to a vote and declared carried.

Council Bill No. 48 was read a second time by title and ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 49, by Mr. Cameron: "An Act to repeal Section 48 of Chapter 79 of the Acts of the Thirty-sixth Legislative Assembly, except sub-division 3, page 162, of said Acts."

Read in full first time.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 48 be read a second time by title and ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 50, by Mr. Murray: "An Act in reference to the qualifications of voters."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 50 be read a second time in full and ordered translated, printed and referred, which motion was duly seconded by Mr. Murray, put to a vote and declared carried.

Read a second time in full and ordered translated, printed and referred to the Committee on Territorial Affairs.

Business on the President's table being in order the President stated:

"The Chair announced that there is on the President's table a message from the Governor of the Territory of New Mexico, which is his veto message No. 2, vetoing Council Bill No. 2. The Chair will refer this veto message, together with the bill to which it refers, to the Committee on Rules."

Mr. Miera was called to the Chair at 3:35 p. m.

Mr. Spiess moved that the Council do now resolve itself into a Committee of the Whole to further consider Council Bill No. 33, and the Council resolved itself into a Committee of the Whole at 3:40 p. m.

"Mr. President:

"Your Committee of the Whole, to whom was referred Council Bill No. 33, has had the same under consideration, and I am instructed to report progress."

At 4:40 p. m. Council was called to order by the President.

Business on the President's table being in order, the following communication from the Governor was read:

"Santa Fe, N. M., February 18th, 1907.

"Hon. Charles A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed Council Bill No. 27: "An Act for the relief of the County of Torrance."

"I have the honor to be,

Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

"Message No. 6.

Mr. Miera moved that the Council do now adjourn, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried and the Council thereupon stood adjourned.

CHAS. A. SPIESS,

President of the Council.

W. E. MARTIN,

Chief Clerk of the Council.

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## THIRTIETH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,

Santa Fe, N. M., February 19th, 1907.

Tuesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The Journal of Monday's proceedings was read and Mr. Chaves moved that the Journal of Monday's proceedings stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and the Journal of Monday's proceedings stood approved as read.

Mr. Martinez made a report from the Committee on Rules as follows:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 18th, 1907.

“Mr. President:

“Your Committee on Rules, to whom has been referred Veto Message No. 2 of the Governor of New Mexico on Council Bill No. 2: ‘An Act to repeal Chapter 2 of the Session Laws of 1907 and to provide for the appointment of county officers in case of vacancies,’ had the same under consideration and I am directed to report the said Veto Message No. 2, to the Council with the recommendation that it be referred to the Committee on Territorial Affairs.

“MALAQUIAS MARTINEZ, Chairman.”

Report read, also Veto Message No. 2 of the Governor of New Mexico read.

Mr. Martinez moved that the report of the Committee on rules be adopted, which motion was duly seconded by Mr. Miera, and upon call of the roll the vote resulted as follows, to-wit:

Ayes: Dalies, Martinez, Miera, Murray, Richards, Stockton and Mr. President. (7).

Nays: Chaves, Duncan, Sargent and Sulzer. (4). One absent.

The vote being seven in the affirmative and four in the negative the President declared the report of the Committee on Rules to have been duly adopted.

Petitions being in order the following were presented:

Council Petition No. 5, presented by Mr. President on behalf of Mr. Martinez, read in full and referred to the Committee on Education.

Council Petition No. 6, presented by Mr. President on behalf of Mr. Dalies, read in full and referred to the Committee on County and County Lines.

Introduction of bills being in order the following were introduced:

Council Bill No. 51, by Mr. Martinez: “An Act to provide for the filling of vacancies of county officers in the Territory of New Mexico.”

Read first time in full.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 51, be read second time by title, considered translated, printed and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time by title.



Mr. Martinez moved that the rules be further suspended and that Council Bill No. 51 be read the third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a third time by title.

Mr. Martinez moved that Council Bill No. 51, do now pass, which motion was duly seconded by Mr. Miera and upon the call of the roll the vote resulted as follows:

Ayes: Chaves, Dalies, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (10).

Nays: Duncan. (1). One absent.

The vote being ten in the affirmative and one in the negative Council Bill No. 51 was declared as having duly passed the Council.

Reports of standing committees being in order the following were made:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 19th, 1907.

“Mr. President:

“Your Committee on Municipal and Private Corporations to whom has been referred Council Bill No. 39: ‘An Act extending act approved March 16th, 1899, Chapter 54, Session Laws of 1899, has had the same under consideration, and I am instructed to report the said bill to the Council with the recommendation that it be passed.

“JACOBO CHAVES, Chairman.”

Mr. Chaves moved that the report be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and the report of the Committee on Municipal and Private Corporations stood adopted.

Bills on their third reading being in order the following were taken up:

Council Bill No. 39: “An Act extending act approved March 16th, 1899, Chapter 54, Session Laws of 1899.”

Mr. Murray moved that Council Bill No. 39, be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read third time by title.

Mr. Murray moved that Council Bill No. 39, do now pass, which motion was duly seconded by Mr. Martinez, and upon the call of the roll the vote resulted as follows:

Ayes: Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

The vote being eleven in the affirmative and none in the negative Council Bill No. 39 was declared as having duly passed the Council.

Mr. Miera was called to the Chair at 10:45 a. m.

Mr. Dalies moved that the Council now resolve itself into a Committee of the Whole to further consider Council Bill No. 33, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried and the Council resolved itself into a Committee of the Whole at 10:45.

Council called to order at 11:50 a. m. by the President.

Mr. Miera being recognized made the following report of the Committee of the Whole:

"Mr. President:

"Your Committee of the Whole, to whom was referred Council Bill No. 33: 'An Act Providing for the Assessment, Levying and Collection of Taxes, and to revise and harmonize existing statutes pertaining to revenue,' have had the same under consideration and have read the same section by section, have amended same, have adopted the title to said bill, have adopted the enacting clause, and I am directed to report the same to the Council with the recommendation that as so amended the bill do pass."

Mr. Miera moved that the report of the Committee be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried and the report stood adopted.

Mr. Miera moved that Council Bill No. 33, do now pass, which motion was duly seconded by Mr. Chaves and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Sargent, Stockton, Sulzer and Mr. President. (10).

Nays: Dalies and Richards. (2).

The vote being ten in the affirmative and two in the negative, Council Bill No. 33 was declared as having duly passed the Council.

Mr. Duncan moved that the Council do now adjourn, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Council stood adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

**THIRTY-FIRST DAY.****MORNING SESSION.**

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 20th, 1907.

Wednesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Stockton moved that the reading of the Journal of Tuesday's proceedings be dispensed with and that the Journal stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Reports of Standing Committees being in order the following were taken up for consideration:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 20th, 1907.

"Mr. President:

"Your Committee on Roads and Highways, to whom has been referred Council Bill No. 37: 'An Act entitled an act for the protection of Highway Bridges and for other purposes,' has had the same under consideration, and I am directed to report the same to the Council with the recommendation that it be passed.

"MALAQUIAS MARTINEZ, Chairman."

Mr. Cameron moved that the report of the Committee on Roads and Highways on Council Bill No. 37, be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report of the Committee on Roads and Highways on Council Bill No. 37 stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 19th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Bill No. 36: 'An Act to amend Section 1799 of the Compiled

Laws of 1897,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 36 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the report of the Committee on Finance on Council Bill No. 36 stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 19th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred House Bill No. 13: 'An Act amending Section 255 of the Compiled Laws of 1897 in regard to Territorial Depositories,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be amended by striking out the following:

"'Amendment to House Bill No. 13. By adding to the end of Section 1, the words 'provided; that the provisions of said Section 255, as hereby amended, are hereby extended so as to cover such companies organized under and in accordance with the laws of New Mexico.' And as so amended the same do pass.'

"W. G. SARGENT, Chairman."

Mr. Duncan moved that the report of the Committee on Finance on House Bill No. 13 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report of the Committee on Finance on House Bill No. 13 stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 19th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 12, being 'An Act to encourage the erection of sugar beet factories and for other purposes,' has had the same under consideration, and I am directed to report the said Council Bill No. 12 to the Council with the recommendation that it be amended by transposing the words 'sugar beet' in the second line of Section 1 and making it read 'beet sugar' and by adding the

words 'water power plants, cement and plaster manufacturing plants' after the word 'smelter' in said line No. 2 of Section 1.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 12 be adopted, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried, and the report of the Committee on Territorial Affairs on Council Bill No. 12 stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 19th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Bill No. 24: 'An Act to amend Section 1123 of the Compiled Laws of New Mexico of 1897,' relative to the crime of larceny by embezzlement,' has had the same under consideration, and I am directed to report the said House Bill No. 24 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 24 be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the report of the Committee on Judiciary on House Bill No. 24 stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 19th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 23: 'An Act providing for the taking of depositions of witnesses in the Territory of New Mexico for use in a foreign state, territory or country,' has had the same under consideration, and I am directed to report the said Council Bill No. 23 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 23 be adopted, which motion was duly seconded by Mr. Stockton, was put to a vote and declared carried, and the report of the Committee on Judiciary on Council Bill No. 23 stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 19, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Bill No. 68: 'An Act assenting to the purpose of grants of money authorized by an act of Congress entitled, 'An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof, approved March 16th, 1906,' has had the same under consideration, and I am directed to report the said House Bill No. 68, to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Cameron moved that House Bill No. 68, and the report of the Committee on Judiciary on House Bill No. 68, be recommitted, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried, and House Bill No. 68 and the report of the Committee on Judiciary on House Bill No. 68 were recommitted to the Committee on Judiciary.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 19, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Substitute for House Bill No. 25: 'An Act to amend Section 1099 of the Compiled Laws of New Mexico, 1897, relative to the crime of assault,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on House Substitute for House Bill No. 25 be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the report of the Committee on Judiciary on House Substitute for House Bill No. 25 stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 19, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 21: 'An Act to amend Section 255 of the Compiled Laws of 1897 relative to depositories for Territorial moneys,'

has had the same under consideration, and I am directed to report the said Council Bill No. 21 to the Council with the recommendation that it be not passed for the reason that a like House Bill is already before the Council.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the rules of the Council be suspended, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the rules of the Council stood suspended. Mr. Dalies moved that Council Bill No. 21, together with the report of the Committee on Judiciary on Council Bill No. 21, be re-committed, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried and Council Bill No. 21, together with the report of the Committee on Judiciary on Council Bill No. 21, was recommitted to the Committee on Judiciary.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., February 19, 1907.

“Mr. President:

“Your Committee on Education, to whom has been referred Council Bill No. 16, entitled ‘An Act entitled an act to repeal Chapter 8 of the Session Laws of the Thirty-sixth Legislative Assembly, approved February 15th, 1905,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

“J. F. SULZER, Chairman.”

Mr. Sulzer moved that the report of the Committee on Education on Council Bill No. 16 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report of the Committee on Education on Council Bill No. 16 stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 52, by Mr. Murray: “An Act providing for the sale and granting to the town of Deming a portion of School section No. 36 in Township No. 23 South, Range 9 West in Luna County, New Mexico, for cemetery purposes and authorizing and directing the Governor and the Commissioner of Public Lands to make and execute and deliver to the said town of Deming a good deed for said property.”

Read first time in full.

Mr. Murray moved that the rules be suspended and that Council Bill No. 52 be read second time by title, ordered translated, printed

and referred which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read second time by title, ordered translated, printed and referred to the Committee on Mines and Public Lands.

Council Bill No. 53, by Mr. Murray: "An Act extending all of provisions of Sections 2394, 2395, Compiled Laws of 1897 of Sections 6 and 7, Chapter 39."

Read first time in full.

Mr. Murray moved that the rules be suspended and that Council Bill No. 53 be read second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read second time by title, ordered translated, printed and referred to the Committee on Judiciary.

Bills on their third reading being in order the following were taken up:

Council Bill No. 37 was read third time in full.

Mr. Cameron moved that Council Bill No. 37 do now pass, which motion was duly seconded by Mr. Martinez and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Dalies, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: Chaves. (1).

The vote being eleven in the affirmative and one in the negative Council Bill No. 37 was declared as having duly passed the Council.

Council Bill No. 36 was read third time by title.

Mr. Sargent moved that Council Bill No. 36 do now pass, which motion was duly seconded by Mr. Miera and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative Council Bill No. 36 was declared as having duly passed the Council.

The amendment to House Bill No. 13 was taken up and Mr. Martinez moved that the amendment as recommended by the Committee on Finance be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the amendment stood adopted. Amendment as follows: "By adding to the end of Section 1 the words 'provided, That the provisions of said Section 255, as hereby amended, are hereby extended so as to



cover such companies organized under and in accordance with the laws of New Mexico.' ”

House Bill No. 13, as amended, was read third time in full.

Mr. Martinez moved that House Bill No. 13, as amended, do now pass, which motion was duly seconded by Mr. Miera and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative House Bill No. 13 was declared as having duly passed the Council.

The amendment to Council Bill No. 12 as recommended by the Committee was taken up and Mr. Cameron moved that the amendment be adopted, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried, and the amendment stood adopted. The amendment was read as follows: “Amended by transposing the words ‘sugar beet’ in the second line of Section 1 and making it read ‘beet sugar’ and by adding the words ‘water power plants, cement and planster manufacturing plants’ after the word ‘smelter’ in said line No. 2 of Section 1.

Mr. Dalies moved that Council Bill No. 12, as amended, do now pass, which motion was duly seconded by Mr. Cameron, and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Stockton, Sulzer, Mr. President. (11).

Nays, Sargent. (1).

The vote being eleven in the affirmative and one in the negative Council Bill No. 12 was declared as having duly passed the Council.

House Bill No. 24 read third time in full.

Mr. Chaves moved that House Bill No. 24 do now pass, which motion was duly seconded by Mr. Dalies and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Stockton, Sulzer, Mr. President. (11).

Nays: None. One absent.

The vote being eleven in the affirmative and none in the negative House Bill No. 24 was declared having duly passed the Council.

Council Bill No. 23 read third time.

Mr. Dalies moved that Council Bill No. 23 do now pass, which

motion was duly seconded by Mr. Chaves, and upon the call of the roll the vote resulted as follows, to-wit:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Stockton, Sulzer, Mr. President. (11).

Nays: None. One absent.

The vote being eleven in the affirmative and none in the negative Council Bill was declared as having duly passed the Council.

House Substitute for House Bill No. 25 read third time.

Mr. Duncan moved that House Substitute for House Bill No. 25 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Murray Richards, Stockton, Sulzer. (8).

Nays: Martinez, Miera, Mr. President. (3). One absent.

The vote being eight in the affirmative and three in the negative House Substitute to House Bill No. 25 was declared to have duly passed the Council.

Council Bill No. 16 read third time in full.

Mr. Chaves moved that Council Bill No. 16 do now pass, which motion was duly seconded by Mr. Duncan and upon call of the roll the vote was as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Stockton, Sulzer, Mr. President. (11).

Nays: None. One absent.

The vote being eleven in the affirmative and none in the negative Council Bill No. 16 was declared to have duly passed the Council.

A message from the House of Representatives announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to report to this Honorable Body that the House has duly passed:

"Amended House Bill No. 2: 'An Act entitled an act to authorize incorporated cities, towns and villages having a bona fide population of not less than one thousand persons to issue bonds for certain purposes.'

"Also House Substitute for House Bill No. 28: 'An Act to amend Section 1549 of the Compiled Laws of New Mexico, as amended, by Chapter 61, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 14th, 1905, relative to poll taxes.'

"Also House Substitute for House Bill No. 39: 'An Act chang-

ing the time for the election of Justices of the Peace and Constables.'

"Also House Bill No. 56: 'An Act fixing the time for holding the term of District Court in the First Judicial District of New Mexico.'

"Also Amended House Bill No. 58: 'An Act relative to bounties on wild animals.'

"Also House Bill No. 67: 'An Act relative to recognizances.'

"Also House Substitute for House Bill No. 71: 'An Act to prescribe the qualification of Territorial District and County officers of the Territory of New Mexico.'

"Also House Bill No. 102: 'An Act authorizing the Board of Regents of the New Mexico College of Agricultural and Mechanic Arts to lease certain land to the International Committee of the Y. M. C. Association,' and respectfully asks the concurrence of this Honorable Body therein."

Business on the President's table being in order the following was taken up for consideration:

Amended House Bill No. 2: "An Act to authorize incorporated cities, towns and villages having a bona fide population of not less than one thousand persons, to issue bonds for sanitary and health purposes, construction of sewers, water works, and the improvement of streets."

Read first time in full.

Mr. Chaves moved that the rules be suspended and that Amended House Bill No. 2 be read a second time by title and referred, which motion was duly seconded by Mr. Stockton, put to a vote and declared carried, read a second time by title and ordered referred to Committee on Municipal and Private Corporations.

House Substitute for House Bill No. 28: 'An Act to amend Section 1549 of the Compiled Laws of New Mexico as amended by Chapter 61 of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 14, 1905, relative to poll tax.'

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Substitute for House Bill No. 28 be read a second time by title and referred, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried; read a second time by title and referred to Committee on Territorial Affairs.

House Substitute for House Bill No. 39: "An Act changing the time for the election of Justices of the Peace and Constables."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that House Substitute for House Bill No. 39 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time by title and ordered referred to Committee on Territorial Affairs.

House Bill No. 56: "An Act fixing the time for holding the terms of the District Court for the First Judicial District of the Territory of New Mexico."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 56 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

Amended House Bill No. 58: "An Act relative to bounties on wild animals."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 58 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

House Bill No. 67: "An Act relative to recognizances."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 67 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to Committee on Judiciary.

House Substitute for House Bill No. 71: "An Act entitled an act to prescribe the qualifications of Territorial, District and County officers in the Territory of New Mexico."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Substitute for House Bill No. 71 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 102: "An Act authorizing the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts to lease certain land to the International Committee of the Young Men's Christian Association."

Read first time by title.

Mr. Murray moved that the rules be suspended and that House Bill No. 102 be read a second time in full and considered referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Murray moved that the rules be further suspended and that House Bill No. 102 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried.

Read a third time by title.

Mr. Murray moved that House Bill No. 102 do now pass, which motion was duly seconded by Mr. Dalies, and upon call of the roll the following resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Stockton, Sulzer and Mr. President. (11).

Nays: None. Sargent absent.

House Bill No. 102 was declared as having duly passed the Council.

Mr. President stated: "The Chair will state that at the request of the Chairman of the Committee on Judiciary the Chair will add two other members to that Committee, the Chairman stating that there is a congestion of business before that Committee and he will be required to subdivide the Committee in order to get the work completed. The Chair will appoint Mr. Martinez and Mr. Miera."

Mr. Martinez moved that the Council do now adjourn, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the Council stood adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

## THIRTY-SECOND DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 21st, 1907.  
Thursday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Mr. Dalies being absent.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried and the Journal of yesterday's proceedings stood approved.

Introduction of petitions being in order, Council Petition No. 7 was presented by Mr. President on behalf of Mr. Cameron, read and ordered referred to Committee on Roads and Highways.

Introduction of bills being in order the following were introduced:

Council Bill No. 54, by Mr. Martinez: 'An Act amending Sections 6, 7, 8 and 9 of Chapter 54 of the Session Laws of 1903.'

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 54 be read a second time in full, and considered translated, printed and referred, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read a second time in full. Mr. Duncan moved that the rules be further suspended and that Council Bill No. 54 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Duncan moved that Council Bill No. 54 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. One absent.

Council Bill No. 54 was declared as having duly passed the Council.

Council Bill No. 55, by Mr. Sargent: "An Act repealing Sections 3880, 3881 and 3882 of the Compiled Laws of 1897."

Read first time in full.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 55 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read second time by title and ordered translated, printed and referred to Committee on Railroads.

Council Bill No. 56, by Mr. Miera. "An Act placing the county of Sandoval in the First District as established for District Attorney purposes by Chapter 33 of the Session Laws of 1905, and fixing the time for holding court in Sandoval County."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 56 be read a second time by title and considered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time in full.

Mr. Duncan moved that the bill do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

Council Bill No. 56 was declared as having duly passed the Council.

A message from the Honorable House of Representatives announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to report to this Honorable Body that the House has duly passed:

"Amended House Bill No. 32: 'An Act entitled an act to amend Section 10, of the Compiled Laws of the Territory of New Mexico.'

"Also Section 1 of 'An Act relating to the distribution of water of ditches by Commissioners or Superintendents, known as Chapter 15 of the Session Laws of 1903.'

"Also House Substitute for House Bill No. 42: 'An Act amending Section 48 of Article 3, Chapter 79 of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to annual report of corporations.'

"Also House Bill No. 69: 'An Act to amend Section 3428 of the Compiled Laws of New Mexico of 1897, relative to issuance of warrants, upon information and belief.'

"Also House Bill No. 70: 'To repeal Sections 1241, 3439, 3440 and 3447 of the Compiled Laws of New Mexico of 1897, and for other purposes.'

"Also House Bill No. 73: 'An Act to repeal Section 1599 of the Compiled Laws of 1897, and for other purposes,' and asks the concurrence of this Honorable Body therein."

Council Bill No. 57, by Mr. Miera: "An Act to amend certain sections of an act to organize and equip a company of mounted police for the Territory of New Mexico, approved February 20th, 1905."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 57 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time in full and ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 58, by Mr. Murray: "An Act providing for the employment of jail prisoners."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 58 be read second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and Council Bill No. 58 was read a second time by title and ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 59, by Mr. Murray: "An Act to amend Section 10 of Article 4 of an act entitled 'An Act to incorporate the town of Silver City in Grant County.'"

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 59 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and Council Bill No. 59 was read a second time in full and ordered translated,



printed and referred to the Committee on Municipal and Private Corporations.

Council Joint Resolutions being in order the following were introduced:

Council Joint Resolution No. 6, by Mr. Miera: "Approving and endorsing the objects and purposes of the Coronado Memorial Association, and making an appropriation for the construction of a monument commemorative of the life and services of the great explorer Francisco Vasquez de Coronado."

Read first time in full.

Mr. Miera moved that the rules be suspended and that Council Joint Resolution No. 6 be read second time by title and ordered translated, printed and referred, which motion was duly seconded by Martinez, put to a vote and declared carried and Council Joint Resolution No. 6 was ordered translated, printed and referred to the Committee on Finance.

House Substitute for House Bill No. 25 was reported on the President's table, and Mr. Miera moved that the vote by which House Bill No. 25 had passed be reconsidered, which motion was duly seconded by Mr. Stockton, was put to a vote and declared carried, and it was ordered that the vote by which House Substitute for House Bill No. 25 passed the Council be reconsidered.

Mr. Miera moved that House Substitute for House Bill No. 25 be laid on the table indefinitely, which motion was duly seconded by Mr. Duncan, and upon call of the roll resulted in the following vote:

Ayes: Duncan, Miera, Richards, Stockton, Sulzer, Mr. President. (6).

Nays: Four. Two absent.

House Substitute for House Bill No. 25 was ordered laid on the table indefinitely.

Business on the President's table being in order the following was taken up for consideration:

Amended House Bill No. 32: "An Act to amend Section 10 of the Compiled Laws of the Territory of New Mexico. Also Section 1 of an act relating to the distribution of the waters of ditches by Commissioners or Superintendents, known as Chapter 15 of the Session Laws of 1903."

Read first time by title.

Mr. Chaves moved that the rules be suspended and Amended House Bill No. 32 be read a second time by title and ordered referred, which motion was duly seconded by Mr. Sargent, was put

to a vote and declared carried, and Amended House Bill No. 32 was read a second time by title and ordered referred to the Committee on Irrigation.

House Substitute for House Bill No. 42: "An Act amending Section 48 of Article 3, of Chapter 79, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to annual reports by corporations."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Substitute for House Bill No. 42 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and House Substitute for House Bill No. 42 was read a second time by title and ordered referred to the Committee on Municipal and Private Corporations.

House Bill No. 69: "An Act to amend Section 3428 of the Compiled Laws of New Mexico of 1897, relative to issuance of warrants upon affidavits based on information and belief."

Read first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 69 be read a second time by title and referred, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and House Bill No. 69 was read a second time by title and ordered referred to Committee on Judiciary.

House Bill No. 70: "An Act to repeal Sections 1241, 3439, 3440 and 3447 of the Compiled Laws of New Mexico of 1897, and for other purposes."

Read first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 70 be read a second time by title and referred, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and House Bill No. 70, was read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 73: "An Act to repeal Section 1599 of the Compiled Laws of 1897, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 73 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and House Bill No. 73 was read a second time by title and ordered referred to the Committee on Judiciary.

Mr. President announced having signed House Bill No. 102: "An Act authorizing the Board of Regents of the New Mexico

College of Agriculture and Mechanic Arts to lease certain land to the International Committee of the Young Men's Christian Association."

Also having signed House Bill No. 13: "An Act to amend Section 255 of the Compiled Laws of 1897 relative to Territorial depositories."

Also having signed House Substitute for Council Bill No. 31: "An Act to amend Section 8, of Chapter 2, of the Session Laws of 1903, relative to admission to the Institute for the Blind."

Mr. Duncan moved that the Council do now adjourn until 3:30 p. m. Monday, which motion was duly seconded by Mr. Richards, put to a vote and declared carried, and the Council stood adjourned until 3:30 p. m. Monday.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## THIRTY-SIXTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 25th, 1907.  
Monday, 3:30 o'clock,

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. Mr. Martinez absent by consent.

There being a quorum present the Council proceeded to business.

The Journal of Thursday's proceedings was read and Mr. Miera moved that the Journal stand approved as read, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried, and the Journal stood approved.

A message from the Governor of New Mexico was announced and received.

A message from the House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to announce to this Honorable Body that the House has duly passed Council Bill No. 39: 'An Act extending an act approved March 16th, 1899, Chapter 54, Session Laws of 1899.'

"Also Council Bill No. 51: 'An Act entitled an act to provide for the filling of vacancies in county offices in the Territory of New Mexico.'

"Also House Bill No. 36, with amendments: 'An Act entitled an act creating the office of Inspector of Weights and Measures in the several Counties of the Territory of New Mexico.'

"Also House Bill No. 37: 'An Act to repeal Chapter 48 of the Session Laws of New Mexico of 1903, entitled 'An Act to create the office of Game and Fish Warden of the Territory of New Mexico, to provide for the Protection of Game and Game Fish and for other purposes, approved March 12th, 1903,' and respectfully ask the concurrence of your Honorable Body therein."

Reports of Standing Committees being in order the following were made:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 25th, 1907.

"Mr. President:

"Your Committee on Judiciary to whom has been referred House Bill No. 68: 'An Act assenting to the purpose of grants of money authorized by an Act of Congress entitled 'An Act to provide for an increased annual appropriation for Agricultural experiment stations and regulating the expenditure thereof, approved March 16th, 1906,' has had the same under consideration, and I am directed to report the said House Bill No. 68 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Duncan moved that the report of the Committee on Judiciary on House Bill No. 68 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the report stood adopted.

The report of the Committee on Judiciary on Council Bill No. 7 was made and Mr. Cameron moved that the reading of the same be dispensed with, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried.

Mr. Miera moved that Council Bill No. 7, together with the report of the Committee be recommitted, which motion was duly

seconded by Mr. Stockton, was put to a vote and declared carried and Council Bill No. 7, together with the report of the Committee on Judiciary was ordered recommitted to the Committee on Judiciary.

Introduction of bills being in order the following were introduced:

Council Bill No. 60, by Mr. Murray: "An Act to repeal an act of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, entitled 'An Act authorizing County Commissioners to levy a tax for Court House and Jail building purposes, approved March 13th, 1905, and for other purposes'."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 60 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried. Read a second time by title, ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 61, by Mr. Dalies, by request: "A law regulating special levies and for other purposes."

Read first time by title.

Council Bill No. 62, by Mr. Miera: "An Act to provide for the better assessment of certain classes of property in the Territory of New Mexico and for other purposes."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 62 be read second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read second time in full, ordered translated, printed and referred to the Committee on Territorial Affairs.

Bills on their third reading being in order the following were taken up:

House Bill No. 68 read third time by title.

Mr. Dalies moved that House Bill No. 68 do now pass, which motion was duly seconded by Mr. Duncan, and upon call of the roll the vote resulted as follows, to-wit:

Ayes: Cameron, Chaves, Dalies, Duncan, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. One absent.

The vote being eleven in the affirmative and none in the negative House Bill No. 68 was declared as having duly passed the Council.

Business on the President's table being in order the following was taken up.

Message No. 7 from the Governor of New Mexico was read as follows:

"Territory of New Mexico,  
"OFFICE OF THE EXECUTIVE,  
"Santa Fe, February 21st, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed the following:

"House Bill No. 13: 'An Act to amend Section 255 of the Compiled Laws of 1897, relative to Territorial depositories.'

"House Substitute for Council Bill No. 31: 'An Act to amend Section 8, of Chapter 2, of the Session Laws of 1903, relative to admission to the Institute for the Blind.'

"House Bill No. 102: 'An Act authorizing the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts to lease certain land to the International Committee of the Young Men's Christian Association.'

"I have the honor to be,

"Respectfully yours,

"H. J. HAGERMAN,  
"Governor of New Mexico."

House Bill No. 36 read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 36 be read second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read second time by title and referred to the Committee on Territorial Affairs.

House Bill No. 37 read first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 37 be read second time by title and referred, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read second time by title and referred to the Committee on Territorial Affairs.

Mr. Duncan moved that the Council do now adjourn, which motion was duly seconded by Mr. Miera, was put to a vote and de-

clared carried and the Council stood adjourned until 10 o'clock Tuesday morning.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## THIRTY-SEVENTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
"Santa Fe, N. M., February 26th, 1907,  
Tuesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murrav, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Dalies moved that the Journal of Monday's proceedings be dispensed with subject to the inspection and approval of the President, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried. The Journal of Monday's proceedings stood approved.

Reports of Standing Committee being in order, the following were made:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 26th, 1907.

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills to whom was referred Council Bill No. 51: 'An Act to provide for the filling of vacancies in County Offices in the Territory of New Mexico,' beg leave to report the same to the Council as correctly and properly engrossed.

"JACOBO CHAVES, Chairman."

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 26th, 1907.

“Mr. President:

“Your Committee on Judiciary to whom has been referred Council Bill No. 49: ‘An Act entitled an act to repeal Section 48 of Chapter 79, of the Acts of the Thirty-sixth Legislative Assembly, except sub-division 3, page 162, of said acts,’ has had the same under consideration, and I am directed to report the said Council Bill No. 49 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the report of the Committee on Judiciary on Council Bill No. 49 stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 26th, 1907.

“Mr. President:

“Your Committee on Judiciary to whom was referred Council Bill No. 7: ‘An Act to define and punish certain crimes, to amend and repeal certain portions of the Compiled Laws of 1897, relating to crimes, and for other purposes,’ has had the same under consideration, and I am directed to report the said Council Bill No. 7 to the Council with the recommendation that the Committee substitute for said Council Bill No. 7 reported herewith be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee stand adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried and the report of the Committee on Judiciary on Council Bill No. 7 stood adopted.

Introduction of Bills being in order the following were introduced:

Council Bill No. 63 by Mr. Duncan: ‘An Act in relation to property rights of husband and wife.’

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 63 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

U. S. G. P. O.



Read second time by title, ordered translated, printed and referred to the Committee on Judiciary.

A message from the House of Representatives announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to announce to this Honorable Body that the House has duly passed House Substitute for House Bill No. 33: 'An Act entitled an act providing for transfer of real estate records from Colfax County to Union County for real estate now located in Union County.'

"Also House Bill No. 59: 'An Act entitled an act to amend Section 3340 of the Compiled Laws of 1897.'

"Also House Bill No. 76: 'An Act entitled an act relative to the issuance of worthless checks.'

"Also House Bill No. 83: 'An Act entitled an act to amend Section 2402, Sub-Section 18, of the Compiled Laws of 1897.'

"Also House Bill No. 95: 'An Act entitled an act with reference to the sale of intoxicating liquors on trains.'

"Also House Joint Resolution No. 7: 'Providing for the payment of the employes and contingent expenses of the legislature,' and respectfully ask the concurrence of this Honorable Body therein."

Bills on their second reading being in order the following were taken up:

Council Bill No. 61, by Mr. Dalies: "An Act regulating special levies and for other purposes."

Read first time by title, ordered translated, printed and referred to the Committee on Education.

Committee Substitute for Council Bill No. 7 read first time by title.

Mr. Dalies moved that the rules be suspended and that Committee Substitute for Council Bill No. 7 be read second time by title, considered translated, printed and referred, which motion was duly seconded, put to a vote and declared carried. Read second time by title.

Mr. Cameron moved that the rules be further suspended and that Committee Substitute for Council Bill No. 7 be read third time by title preparatory to its passage, which motion was duly seconded by Mr. Dalies, and upon the call of the roll upon the further suspension of the rules the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Murray, Richards, Sargent, Stockton, Sulzer. (9).

Nays: Martinez, Miera, Mr. President. (3).

The vote being nine in the affirmative and three in the negative, the rules were suspended and Committee Substitute for Council Bill No. 7 was read third time by title.

Mr. Dalies moved that Committee Substitute for Council Bill No. 7 do now pass, which motion was duly seconded by Mr. Chaves, and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. Mr. Martinez excused from voting.

The vote being eleven in the affirmative and none in the negative Committee Substitute for Council Bill No. 7 was declared as having duly passed the Council.

Mr. Dalies moved that the original Council Bill No. 7 be laid on the table indefinitely which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and Council Bill No. 7 was laid on the table indefinitely.

Bills on their third reading being in order the following were taken up:

Council Bill No. 49 read a third time by title.

Mr. Cameron moved that Council Bill No. 49 do now pass, which motion was duly seconded by Mr. Duncan and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative Council Bill No. 49 was declared as having duly passed the Council.

Business on the President's table being in order the following was taken up:

House Substitute for House Bill No. 33.

Read first time in full.

Mr. Cameron moved that the rules be suspended and that House Substitute for House Bill No. 33 be read a second time in full, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.

Read second time in full.

Mr. Dalies moved that the rules be further suspended and that House Substitute for House Bill No. 33 be considered referred and be read a third time by title preparatory to its passage, which

motion was duly seconded by Mr. Cameron, put to a vote and declared carried.

. Read third time by title.

Mr. Murray moved that House Substitute for House Bill No. 33 do now pass, which motion was duly seconded by Mr. Martinez and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

House Substitute for House Bill No. 33 was declared as having duly passed the Council.

Amended House Bill No. 83 was read first time by title.

Mr. Duncan moved that the rules be suspended and that Amended House Bill No. 83 be read a second time in full and referred, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.

Read second time in full and referred to the Committee on Territorial Affairs.

House Bill No. 95 was read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 95 be read second time by title and referred, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.

Read second time by title and referred to the Committee on Railroads.

House Bill No. 59 read first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 59 be read second time in full and referred, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried.

Read second time in full and referred to the Committee on Judiciary.

House Bill No. 76 was read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 76 be read second time and referred, which motion was duly seconded by Mr. Miera, put to a vote and declared carried.

Read second time by title and referred to the Committee on Judiciary.

House Joint Resolution No. 7 was read first time by title.

Mr. Martinez moved that the rules be suspended and that House Joint Resolution No. 7 be read second time in full and consid-

ered referred, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried.

Read second time in full.

Mr. Martinez moved that the rules be further suspended and that House Joint Resolution No. 7 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, put to a vote and declared carried.

Read third time by title.

Mr. Martinez moved that House Joint Resolution No. 7 do now pass, which motion was duly seconded by Mr. Miera and upon the call of the roll the vote resulted as follows:

Ayes: Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: Cameron. (1).

The vote being eleven in the affirmative and one in the negative, House Joint Resolution No. 7 was declared as having duly passed.

The President announced having signed Council Bill No. 51: "An Act providing for the filling of vacancies in county offices in the Territory of New Mexico."

The President announced having signed House Joint Resolution No. 7.

Mr. Duncan moved that the Council stand adjourned, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the Council stood adjourned until 10 o'clock a. m. Wednesday.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## THIRTY-EIGHTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 27, 1907,  
Wednesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President..

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit:

Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of the Journal of Tuesday's proceedings be dispensed with and that the same stand approved, which motion being duly seconded by Mr. Miera, put to a vote and declared carried, and the Journal of Tuesday's proceedings stood approved.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 27th, 1907.

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, to whom has been referred Council Bill No. 39: 'An Act extending an act approved March 16th, 1899, Chapter 54, Session Laws of 1899,' has had the same under consideration, and I am directed to report the said Council Bill No. 39 to the Council with the recommendation that the same is properly enrolled and engrossed.

"CARL A. DALIES, Chairman."

Reports of Standing Committees being in order, the following reports were made:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 26th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 50: 'In reference to the qualifications of voters, has had the same under consideration, and I am directed to report the said Council Bill No. 50 to the Council with the recommendation that it be amended by adding after the word 'any' in line 6 of the printed bill and before the word 'government' the words 'United States.'

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., February 26th, 1907.

(Majority Report):

"Mr. President:

"Your Committee on Judiciary, to whom has been referred

House Substitute for House Bill No. 71: 'An Act to prescribe the qualifications of Territorial, District and County Officers of the Territory of New Mexico,' has had the same under consideration, and I am directed to report the said House Substitute for House Bill No. 71 to the Council with the recommendation that it be amended by striking out in line 3 of Section 1 of said act the words 'lawful voter at the general elections,' and inserting after the word 'a' in the third line of said Section 1 'legally qualified voter,' and by striking out all that appears in said Section 1 after the word 'Territory,' in line 3 of said Section 1, and that a period be placed after said word 'Territory,' and that so amended that the same do pass.

"E. A. MIERA,

"J. O. CAMERON,

"J. S. DUNCAN,

"JACOBO CHAVES,

"CARL A. DALIES, Chairman."

(Minority Report):

"Mr. President:

"We, the undersigned members of the Committee on Judiciary, dissent from the majority report of said Committee on House Substitute for House Bill No. 71 and recommend that the same be amended as follows:

"Amendment to House Substitute for House Bill No. 71: "That the same be and is hereby amended so that Section 1 of said act shall read as follows: 'Section 1. That no person shall be eligible to hold any Territorial, District or County Office in the Territory of New Mexico who is not a legally qualified voter and taxpayer in said Territory and who shall not have resided in the Territory for at least one year immediately preceding his election or appointment to any such office,' and as so amended that the same do pass."

"CARL A. DALIES,

"W. D. MURRAY,

"MALAQUIAS MARTINEZ."

Mr. Dalies moved that the Minority Report of the Committee on Judiciary on House Substitute for House Bill No. 71 be adopted, which motion was duly seconded by Mr. Murray, and upon the call of the roll the vote resulted as follows:

Ayes: Dalies, Martinez, Murray, Richards, Stockton and Mr. President. (6).

Nays: Cameron, Chaves, Duncan, Miera, Sargent and Sulzer. (6).

The vote being six in the affirmative and six in the negative, the motion on the adoption of the Minority Report was lost.

Mr. Miera moved that the report of the Majority of the Committee on Judiciary on House Substitute for House Bill No. 71 be adopted, which motion was duly seconded by Mr. Duncan, and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Duncan, Miera, Sargent, Sulzer. (6).

Nays: Dalies, Martinez, Murray, Richards, Stockton and Mr. President. (6).

The vote being six in the affirmative and six in the negative, the motion for the adoption of the Majority report was declared as lost.

Mr. Dalies moved that House Substitute for House Bill No. 71 be made a special order for Thursday morning at 10 o'clock, which motion was duly seconded by Mr. Murray and a standing vote being demanded, the vote resulted in six in the affirmative and six in the negative, and the motion was declared as lost.

Mr. Miera moved that House Substitute for House Bill No. 71 be recommitted to the Committee on Judiciary, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried. Ordered recommitted to the Committee on Judiciary.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 26th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Bill No. 76: 'An Act relative to the issuance of worthless checks,' has had the same under consideration and I am directed to report the said House Bill No. 76 to the Council with the recommendation that it be amended by striking out the words 'goods or other property' in line 3 of Section 1 of the bill; also by adding after the word 'cause' in Section 1, last line, the following: 'Provided, that in cases where the order, check or other instrument sought to be used is for twenty dollars or less, Justices of the Peace shall have jurisdiction and shall assess a punishment of a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the County Jail for not less than thirty days nor more than ninety days, or both such fine and imprisonment,' and that said bill do pass as amended.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report of the Committee on Judiciary on House Bill No. 76 stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 26th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 56: ‘An Act fixing the time for holding the terms of the District Court of the First Judicial District for the Territory of New Mexico,’ has had the same under consideration, and I am directed to report the said House Bill No. 56 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Martinez moved that the report of the Committee on Judiciary on House Bill No. 56 be adopted, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 26th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 59: ‘An Act to amend Section 3342 of the Compiled Laws of New Mexico of 1897,’ has had the same under consideration, and I am directed to report the said House Bill No. 59 to the Council, with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Cameron moved that the report of the Committee on Judiciary on House Bill No. 59 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., February 26th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 70: ‘An Act to repeal Sections 1241, 3439, 3440, 3447, of the Compiled Laws of New Mexico of 1897, and for other purposes,’ has had the same under consideration, and I am directed to report the said House Bill No. 70 to the Council, with the rec-



ommendation that it be amended by adding after the word 'court' in the first line of Section 3, of the original bill the words 'or Justice of the Peace,' and that it be passed as amended.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 70 be adopted, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 26th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Bill No. 69: 'An Act to amend Section 3428 of the Compiled Laws of New Mexico of 1897, relative to issuance of warrants upon affidavits based upon information and belief,' has had the same under consideration and I am directed to report the said House Bill No. 69 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Cameron moved that the report of the Committee on Judiciary on House Bill No. 69 be adopted, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried and the report of the Committee stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 64, by Mr. President: "An Act relating to the qualification of witnesses."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 64 be read a second time in full, considered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time in full.

Mr. Cameron moved that the rules be further suspended and that Council Bill No. 64 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read third time by title.

Mr. Cameron moved that Council Bill No. 64 do now pass, which motion was duly seconded by Mr. Dalies, and upon the call of the roll, the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative, Council Bill No. 64 was declared as having duly passed the Council.

Council Bill No. 65, by Mr. President: "An Act relating to the settlement of accounts of public officers."

Read first time by title.

Mr. Duncan moved that the rules be suspended, and that Council Bill No. 65 be read a second time in full, ordered translated, printed, and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time in full, ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 66, by Mr. Stockton, by request: "An Act providing for a tax levy for public school purposes by the Boards of Education in the Cities of the Territory of New Mexico."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 66 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time by title, ordered translated, printed and referred to the Committee on Education.

Council Bill No. 67, by Mr. Murray, by request: "An Act providing for the office of geologist and a geological survey of the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 67 be read second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time by title, ordered translated, printed and referred to the Committee on Railroad Employees, Labor and Commerce.

Council Bill No. 68, by Mr. Cameron: "An Act entitled an act providing for the election of a District Attorney for each County in the Territory of New Mexico, and fixing the duties and compensations for such office and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 68 be read a second time in full and ordered translated,

printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time in full, ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 69, by Mr. Dalies: "An Act to amend an act entitled an act to regulate the practice of Dentistry within the Territory of New Mexico, approved February 23rd, 1903, and amended by the Thirty-sixth Legislative Assembly March 9th, 1905."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 69 be read second time in full and considered translated, printed and referred, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read second time in full.

Mr. Dalies moved that the rules be further suspended and that Council Bill No. 69 be read third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read third time by title.

Mr. Dalies moved that Council Bill No. 69 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative Council Bill No. 69 was declared as having duly passed the Council.

Bills on their third reading being in order the following were taken up:

Amendment to Council Bill No. 50 was taken up and Mr. Martinez moved that the amendments recommended by the Committee on Judiciary be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the amendments stood adopted.

Council Bill No. 50, as amended, was read a third time preparatory to its passage.

Mr. Martinez moved that Council Bill No. 50, as amended, do now pass, which motion was duly seconded by Mr. Duncan and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative Council Bill No. 50 was declared as having duly passed the Council.

Amendments to House Bill No. 76 as recommended by the Committee on Judiciary were taken up and Mr. Cameron moved that the amendments be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendments stood adopted.

House Bill No. 76, as amended was read a third time by title preparatory to its passage.

Mr. Dalies moved that House Bill No. 76, as amended, do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative Council Bill No. 76 was declared as having duly passed the Council.

House Bill No. 56 was read third time by title preparatory to its passage.

Mr. Martinez moved that House Bill No. 56 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative House Bill No. 56 was declared as having duly passed the Council.

House Bill No. 59 read third time by title preparatory to its passage.

Mr. Dalies moved that House Bill No. 59 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative House Bill No. 59 was declared as having duly passed the Council.

The amendment to House Bill No. 70 was taken up as recommended by the Committee on Judiciary and Mr. Martinez moved that the amendment stand adopted, which motion was duly sec-

ended by Mr. Chaves, was put to a vote and declared carried. Amendment stood adopted.

House Bill No. 70 as amended read a third time by title preparatory to its passage.

Mr. Martinez moved that House Bill No. 70 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative House Bill No. 70 was declared as having duly passed the Council.

House Bill No. 69 read a third time by title preparatory to its passage.

Mr. Cameron moved that House Bill No. 69 do now pass, which motion was duly seconded by Mr. Dalies and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative House Bill No. 69 was declared as having duly passed the Council.

Mr. Martinez moved that the Council do now adjourn, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the Council stood adjourned until 10 o'clock a. m. tomorrow.

CHAS. A. SPIESS,  
President of the Council.

“W. E. MARTIN,  
Chief Clerk of the Council.

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## THIRTY-NINTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., February 28th, 1907.

Thursday 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Chaves moved that the reading of the Journal of Wednesday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and the Journal of Wednesday's proceedings stood approved.

Introduction of petitions being in order the President announced having received the following:

Council Petition No. 8, presented by Mr. President. Read and referred to the Committee on Territorial Affairs.

Reports of Standing Committees being in order the following were made:

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 28th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Bill No. 42: 'An Act providing a method for the Assessment of Shares of stock in National and other banks and to fix the duties of the Board of Equalization in relation thereto,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the report of the committee stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., February 28th, 1907.

"Mr. President:

"Your Committee on Railroads to whom has been referred House

"Bill No. 95: 'An Act with reference to the sale of intoxicating liquors on trains,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be amended by striking out in Section 5 of said

Bill the following: "Its passage' and insert in lieu thereof 'April 1st, 1907,' and as so amended it do pass.'

"J. S. DUNCAN, Chairman."

Mr. Duncan moved that the report of the Committee on Railroads on House Bill No. 95 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and and the report stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 70, by Mr. President: "An Act to amend Section 1, of Chapter 9, of the Laws of the Thirty-fourth Legislative Assembly relating to railroads."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 70 be read second time in full, considered translated, printed and referred, which motion was duly seconded by Mr. Dalies, put to a vote and declared carried. Read second time in full.

Mr. Dalies moved that the rules be further suspended and that Council Bill No. 70 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read third time by title preparatory to its passage.

Mr. Chaves moved that Council Bill No. 70 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative Council Bill No. 70 was declared as having duly passed the Council.

Council Bill No. 71, by Mr. Murray, by request: "An Act to amend Section 2, of Chapter 80, of the Session Acts of 1903."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 71 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time by title, ordered translated, printed and referred to the Committee on County and County Lines.

Council Bill No. 72, by Mr. Murray: "An Act to amend Section

2881 of the Compiled Laws of New Mexico of 1897 of Section 1 and Chapter 77, of Session Laws of 1899, relative to change of venue."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 72 be read second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read second time by title, ordered translated, printed and referred to the Committee on Judiciary.

A message from the House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body, that the House has duly passed House Substitute for Council Bill No. 12: 'An Act to encourage the erection of beet sugar factories and for other purposes.'

"Also the House has duly passed House Bill No. 20: 'An Act to provide for the building of a brick fence around the County Jail for the County of Santa Fe, by convict labor, and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 66: 'An Act entitled an act relative to the delivery of telegraph messages.'

"Also that the House has duly passed House Bill No. 93: 'An Act to amend Section 2591 of the Compiled Laws of 1897 relating to the duties of the auditor.'

"Also that the House has duly passed House Bill No. 94: 'An Act relative to taxing of telegraph lines.'

"Also that the House has amended and duly passed House Bill No. 96: 'An Act with reference to sheriff's executing process.'

"Also that the House has duly passed House Substitute for House Bill No. 101, an act to amend Section 2361 of the Compiled Laws of New Mexico, 1897, relative to the recording of Chattel Mortgages.'

"Also that the House has duly passed House Bill No. 136: 'An Act fixing the times of holding District Courts in Otero and other Counties,' and respectfully ask the concurrence of this Honorable Body to the same."

Bills on their third reading being in order the following were taken up:

The amendment to House Bill No. 95, as recommended by



the Committee on Railroads was taken up and Mr. Cameron moved that the amendment be adopted, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried and the amendment to House Bill No. 95, as recommended by the Committee on Railroads stood adopted.

Read third time, as amended, preparatory to its passage.

Mr. Cameron moved that House Bill No. 95 do now pass, which motion was duly seconded by Mr. Dalies and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative House Bill No. 95, as amended, was declared as having duly passed the Council.

Council Bill No. 42 read third time by title.

Mr. Dalies moved that Council Bill No. 42 do now pass, which motion was duly seconded by Mr. Martinez and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative Council Bill No. 42 was declared as having duly passed the Council.

Business on the President's table the following was taken up:

House Substitute for Council Bill No. 12: "An Act to encourage the erection of beet sugar factories and for other purposes."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that House Substitute for Council Bill No. 12 be read a second time in full and considered referred, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read second time in full.

Mr. Dalies moved that the rules be further suspended and that House Substitute for Council Bill No. 12 be read third time preparatory to its passage, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read third time preparatory to its passage.

Mr. Dalies moved that House Substitute for Council Bill No. 12 do now pass, which motion was duly seconded by Mr. Chaves

and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Stockton, Sulzer, Mr. President. (11).

Nays: Sargent. (1).

The vote being eleven in the affirmative and one in the negative House Substitute for Council Bill No. 12 was declared as having duly passed the Council.

House Bill No. 20: "An Act to provide for the building of a brick fence around the County Jail for the County of Santa Fe, by Convict labor, and for other purposes."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 20 be read second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time by title and referred to the Committee on Territorial Affairs.

House Bill No. 66: "An Act entitled an act relative to the delivery of telegraph messages."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 66 be read second time in full and referred, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read second time in full and referred to the Committee on Railroads.

House Bill No. 93: 'An Act to amend Section 2591 of the Compiled Laws of New Mexico of 1897 relating to the duties of Auditor.

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 93 be read second time in full and referred, which motion was duly seconded, was put to a vote and declared carried.

Read second time in full and referred to the Committee on Finance.

House Bill No. 94: "An Act relative to taxing of telegraph lines."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 94 be read second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time by title and referred to the Committee on Railroads.

House Bill No. 96: "An Act with reference to Sheriff's executing process."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 96 be read second time in full and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read second time in full and referred to the Committee on Finance.

House Substitute for House Bill No. 101: "An Act to amend Section 2361 of the Compiled Laws of New Mexico of 1897 relative to the recording of Chattel Mortgages."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Substitute for House Bill No. 101 be read a second time in full and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time in full and referred to the Committee on Judiciary.

House Bill No. 136: "An Act fixing the time of holding District Courts in Otero and other Counties."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 136 be read a third time in full and considered referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read second time in full.

Mr. Cameron moved that the rules be further suspended and that House Bill No. 136 be read third time by title preparatory to its passage, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Dalies moved that House Bill No. 136 do now pass, which motion was duly seconded by Mr. Chaves and upon the call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

The vote being twelve in the affirmative and none in the negative House Bill No. 136 was declared as having duly passed the Council.

Mr. Cameron moved that Council Bill No. 65 be made special order for this afternoon at 2:30 p. m., which motion was duly seconded by Mr. Martinez, was put to a vote and declared car-

ried and Council Bill No. 65 was made a special order before a Committee of the Whole at 2:30 p. m.

A message from the Governor of New Mexico was announced and received.

Mr. Cameron moved that the Council stand in recess until 2:30 p. m., which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried and the Council stood in recess.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 2:30 p. m.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. President announced a special order of business for the afternoon session for the consideration of Council Bill No. 65.

Mr. Dalies called to the Chair at 3:14 p. m.

Mr. Spiess moved that the Council do now resolve itself into a Committee of the Whole for the consideration of Council Bill No. 65, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Council resolved itself into a Committee of the Whole at 3:20 p. m., with Mr. Dalies in the Chair.

Council called to order by the President at 5:30 p. m.

Mr. Dalies stated: "Mr. President: As Chairman of the Committee of the Whole, which has had under consideration Council Bill No. 65, I beg to report that said Committee has had the bill under consideration, has acted upon same and adopted same section by section; has adopted title and enacting clause, and has recommended that I report to you that the same do pass."

Mr. Martinez moved that the report of the Committee of the Whole on Council Bill No. 65 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the report of the Committee of the Whole on Council Bill No. 65 stood adopted.

Bills on their third reading being in order the following were taken up:

Amended Council Bill No. 65: "An Act relating to the settlement of accounts of public officers."

Mr. Martinez moved that Amended Council Bill No. 65 do now

pass, which motion was duly seconded by Mr. Miera, and upon call of the roll resulted in the following vote:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton and Mr. President. (11).

Nays: One.

Amended Council Bill No. 65 was declared as having duly passed the Council.

Mr. Dalies moved that the vote by which Council Bill No. 65, as amended, passed the Council, be reconsidered and that the reconsideration of that vote be laid on the table indefinitely, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and it was ordered that the vote whereby Council Bill No. 65 was passed be reconsidered and that the reconsideration of that vote be laid on the table indefinitely.

Reports of Standing Committees being in order the following were taken up:

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., February 28th, 1907.

“Mr. President:

“Your Committee on Finance, to whom has been referred Council Joint Resolution No. 6: “Approving and endorsing the objects and purposes of the Coronado Memorial Association and making an appropriation for the construction of a monument commemorative of the life and services of the great explorer Francisco Vasquez de Coronado,’ has had the same under consideration, and I am directed to report the said resolution to the Council with the recommendation that it be passed with the amendment thereto attached.

“E. A. MIERA,

“MALAQUIAS MARTINEZ,

“JACOBO CHAVES,

“H. M. RICHARDS,

“W. D. MURRAY,

“J. O. CAMERON,

“W. G. SARGENT, Chairman.”

Mr. Miera moved that the report of the Committee on Finance on Council Joint Resolution No. 6 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report of the Committee on Finance on Council Joint Resolution No. 6 stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 73, by Mr. Dalies: "An Act relative to taxation in Counties of Class E."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 73 be read a second time by title, and ordered translated, printed and referred to the Committee on Judiciary, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried; read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 74, by Mr. President: "An Act providing the procedure by which cities and towns shall obtain title to private property by condemnation."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 74 be read a second time by title and ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Private and Municipal Corporations.

Council Bill No. 75, by Mr. Cameron: "An Act entitled an act to amend Section 242, of Chapter 7, of the Compiled Laws of the Territory of New Mexico of 1897."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 75 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 76, by Mr. Murray: "An Act to amend Section 3448 of the Compiled Laws of 1897."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 76 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Joint Resolutions on their third reading being in order the following were taken up:

Amendment offered by Committee on Finance to Council Joint Resolution No. 6: "Provided further, that the Treasurer of the Coronado Memorial Association shall present to the Territorial Auditor satisfactory evidence that the sum of five thousand dollars in the Treasury of said Association available for the purposes herein indicated, and until such evidence is filed in the office of the Territorial Auditor, said Auditor is hereby prohibited from issuing his warrant for any part of the amount herein appropriated."

Mr. Sargent moved that the amendment offered by the Committee on Finance on Council Joint Resolution No. 6 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendment stood adopted.

Council Joint Resolution No. 6, by Mr. Miera: "Providing and endorsing the objects and purposes of the Coronado Memorial Association and making an appropriation for the construction of a monument commemorative of the life and services of the great explorer Francisco Vasquez de Coronado."

Read a third time by title.

Mr. Martinez moved that Council Joint Resolution No. 6 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

Council Joint Resolution No. 6 was declared as having duly passed the Council.

Business on the President's table being in order the following was taken up:

The Chair announced having received the following communication from the Governor of New Mexico:

"Message No. 8.

"Santa Fe, N. M., February 28th, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have today signed House Joint Resolution No. 7, appropriating the sum of \$4,198.00 for salaries of interpreters, translators and contingent expenses of the House of Representatives of the Thirty-seventh Legislative Assembly and the sum of \$3,064.00 for salaries of interpreters, translators and contingent expenses of the Council of the said Legislative Assembly.

"I also have the honor to inform you that I have signed Council Bill No. 51: 'An Act to provide for the filling of vacancies in county offices in the Territory of New Mexico,' and providing that hereafter when any vacancy occurs in any county office in the Territory, other than a vacancy in the office of County Commissioner, it shall be the duty of the Board of County Commissioners to fill such vacancies.

"I have the honor to be,

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

Mr. Dalies moved that the Council do now adjourn until 3:30 Monday afternoon, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the Council stood adjourned until Monday 3:30 p. m.

CHAS. A. SPIESS,

President of the Council.

W. E. MARTIN,

Chief Clerk of the Council.

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## **FORTY-THIRD DAY.**

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### **AFTERNOON SESSION.**

HALL OF THE LEGISLATIVE COUNCIL,

Santa Fe, N. M., March 4th, 1907.

Monday, 3:30 o'clock.

Council met pursuant to adjournment, called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

A Message from the Governor of New Mexico was announced and received.

Mr. Chaves moved that the reading of the Journal of Thursday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Journal of Thursday's proceedings stood approved.



Introductions of petitions being in order the following were taken up for consideration:

Council Petition No. 9, presented by Mr. President, was read and ordered referred to Committee on Territorial Affairs.

Council Petition No. 10, presented by Mr. President, was read and referred to Committee on Territorial Affairs.

Council Petition No. 11, presented by Mr. President, was read and referred to Committee on Territorial Affairs.

Council Petition No. 12, presented by Mr. President on behalf of Mr. Stockton, was read and referred to the Committee on Territorial Affairs.

Council Petition No. 13, presented by Mr. President on behalf of Mr. Sulzer, was read and ordered referred to the Committee on Territorial Affairs.

Mr. Cameron requested permission to call attention to an article in the "Carsbad Argus" for March 1st, 1907, reading as follows: "After the above business was disposed of, a petition was presented for endorsement asking that the Territorial Legislature pass what is known as the Spiess anti-gambling bill (which is published in another column), which was endorsed by an unanimous vote of the club members."

Reports of Standing Committees being in order the following were presented and taken up:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 4th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 41: 'A general act relating to negotiable instruments, being an act to reestablish a law uniform with the laws of other states on that subject,' has had the same under consideration, and I am directed to report the said Council Bill No. 41 to the Council with the recommendation that it be amended by striking out the word 'or' and substituting therefor the word 'and' in the fourth subsection of Section 125, and by making the word 'certified' 'certifies' in the last line of Section 189, and that it do pass as amended.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 41 be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried,

and the report of the Committee on Judiciary on Council Bill No. 41 stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 4th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred Council Bill No. 53: ‘An Act extending all of the provisions of Sections 2394 and 2395 of the Compiled Laws of 1897 of Sections 6 and 7 of Chapter 39,’ has had the same under consideration and I am directed to report the said Council Bill No. 53 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 53 be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 4th, 1907.

“Mr. President:

“Your Committee on Mines and Public Lands, to whom has been referred Council Bill No. 52: ‘An Act providing for the sale and granting to the Town of Deming a portion of school section 36 in Township 23 South of Range 9 West, in Luna County, New Mexico, for cemetery purposes, and authorizing and directing the Governor and the Commissioner of Public Lands to make, execute and deliver to the said Town of Deming a good deed for said property,’ has had the same under consideration, and I am directed to report the said Council Bill No. 52 to the Council with the recommendation that it be passed.

“W. D. MURRAY, Chairman.”

Mr. Murray moved that the report of the Committee on Mines and Public Lands on Council Bill No. 52 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 77, by Mr. President: “An Act revising appellate procedure.”

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council

Bill No. 77 be read a second time by title ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 78, by Mr. Martinez: "An Act to abolish the office of Public Printer, and for other purposes."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 78 be read a second time in full, and ordered translated, printed and referred, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried. Read a second time in full and ordered translated, printed and referred to the Committee on Public Printing.

Council Bill No. 79, by Mr. Miera: "An Act providing for the distribution to the several counties of this Territory entitled thereto, the income derived from forest reserves."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 79 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full and ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 80, by Mr. Cameron: "An Act entitled, an act defining the duties of the Treasurer of the Territory of New Mexico with reference to the issuing, sale and delivery of certain bonds authorized to be issued and sold by Chapters 6, 76 and 89 of the Acts of the Thirty-fourth Legislative Assembly of the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 80 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full, ordered translated, printed and referred to the Committee on Judiciary.

Bills on their third reading being in order the following were taken up for consideration:

Council Bill No. 41 was reported to the Council with the recommendation of a few amendments, and the report of the Committee was adopted.

Mr. Duncan moved that the amendments to Council Bill No. 41 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the amendments recommended by the Committee on Judiciary on Council Bill No. 41 stood adopted.

Council Bill No. 41: "A general act relating to negotiable instruments, being an act to reestablish a law uniform with the laws of other states on that subject."

Read third time by title.

Mr. Cameron moved that Council Bill No. 41 do now pass, which motion was duly seconded by Mr. Dalies, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 41 was declared as having duly passed the Council.

Message from the Governor of New Mexico announced and received.

Council Bill No. 52, recommended for passage and report of Committee adopted: "An Act for the sale and granting to the Town of Deming a portion of school section 36, in Township 23 South of Range 9 West, in Luna County, New Mexico, for cemetery purposes, and authorizing and directing the Governor and the Commissioner of Public Lands to make, execute and deliver to the said Town of Deming a good deed for said property."

Read a third time by title.

Mr. Murray Moved that Council Bill No. 52 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 52 was declared as having duly passed the Council.

Council Bill No. 53, reported to the Council with the recommendation that it be passed, and report adopted: "An Act extending all of the provisions of Sections 2394 and 2395 of the Compiled Laws of 1897 of Sections 6 and 7, of Chapter 39."

Read third time by title.

Mr. Murray moved that Council Bill No. 53 do now pass, which



## FORTY-FOURTH DAY.

### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 5th, 1907.  
Tuesday, 10 o'clock.

Council met pursuant to adjournment, called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Chaves moved that the reading of yesterday's Journal be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Introduction of bills being in order the following were introduced:

Council Bill No. 81, by Mr. Miera: "An Act entitled an act to prohibit unfair discrimination in the matter of freight rates and passenger fares by railroad companies in this Territory, and to provide for the enforcement thereof, and for other purposes."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 81 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read a second time in full and ordered translated, printed and referred to the Committee on Railroads.

Mr. Miera moved that the Council do now adjourn, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Council thereupon stood adjourned, until 10 o'clock Wednesday.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

JOURNAL OF THE COUNCIL,  
**FORTY-SIXTH DAY.**

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MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 6th, 1907.  
Wednesday, 10 o'clock.

Council met pursuant to adjournment, called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Chaves moved that the reading of yesterday's Journal be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and the Journal of yesterday's proceedings stood approved.

A message from the Honorable House of Representatives announced and received as follows:

"Mr. President:

"I am instructed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed Amended Council Bill No. 3: 'An Act providing for selling and granting to the City of Roswell certain school lands for cemetery purposes.'

"Also that the House has duly passed Amended Council Bill No. 4: 'An Act providing for selling and granting to the town of Artesia certain school lands for cemetery purposes.'

"Also that the House has duly passed Council Bill No. 36: 'An Act to amend Section 1799 of the Compiled Laws of 1897.'

"Also that the House has duly passed Council Bill No. 54: 'An Act amending Sections 6, 7, 8 and 9 of Chapter 55, Session Laws of 1903.'

"Also that the House has duly passed Council Bill No. 56: 'An Act placing the County of Sandoval in the First District, as established for District Attorney purposes by Chapter 33 of the Session Laws of 1905.'

"Also that the House has duly passed Council Bill No. 64: 'An Act relating to the qualification of witnesses.'

"Also that the House has duly passed House Joint Resolution

No. 6, with amendments: 'A resolution in regard to the disposition of the Old Palace at Santa Fe.'

"Also that the House has passed House Joint Resolution No. 8: 'Relating to the Alaska Yukon Pacific Exposition.'

"Also that the House amended and duly passed House Bill No. 40: 'An Act to repeal Chapter 9 of the Session Laws of the Territory of New Mexico of 1905, entitled an act to organize and equip a company of Mounted Police in the Territory of New Mexico, approved February 20th, 1905, and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 54: 'An Act in regard to the malpractice of law by attorneys, and providing a penalty for the violation thereof.'

"Also that the House amended and duly passed House Bill No. 61: 'An Act with reference to the boundaries of the County of Quay.'

"Also that the House has amended and duly passed House Bill No. 64: 'An Act to prevent intoxication among minors.'

"Also that the House has duly passed House Substitute for House Bill No. 65, 'An Act relating to fees in certain cases.'

"Also that the House has amended and duly passed House Bill No. 85: 'An Act to punish blackmail and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 104: 'An Act to amend Chapter 81 of the Acts of the Thirty-fourth Legislative Assembly.'

"Also that the House has amended and duly passed House Bill No. 106: 'An Act relative to fees of Probate Clerks.'

"Also that the House has amended and duly passed House Bill No. 108: 'An Act authorizing the construction of an addition to the Territorial Capitol of Santa Fe, providing the necessary means therefor, and for the appointment of a board authorized to build the same and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 113: 'An Act to provide for the sprinkling of streets in incorporated towns, and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 122: 'An Act to amend Section 805 of the Compiled Laws of New Mexico of 1897, relative to River Commissioners.'

"Also that the House has duly passed House Bill No. 124: 'An Act to amend Section 2355 of the Compiled Laws of 1897.'

"Also that the House has duly passed House Bill No. 155: 'An Act fixing the time of holding District Court in Otero and other Counties.'



"Also that the House has duly passed House Bill No. 167: 'An Act to amend House Bill No. 95, Acts of the Thirty-seventh Legislative Assembly,' and asks the concurrence of this Honorable Body in said measures."

Reports of Standing Committees being in order the following were taken up for consideration:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 6th, 1907.

"Mr. President:

"Your Committee on Corporations, to whom has been referred House Bill No. 21: 'An Act in relation to Corporations,' has had the same under consideration, and I am directed to report the said House Bill No. 21 to the Council with the recommendation that it be not passed.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Corporations on House Bill No. 21 be adopted, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 6th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred House Bill No. 8: 'An Act to extend the corporate limits of the City of Santa Fe, has had the same under consideration, and I am directed to report the said House Bill No. 8 to the Council with the recommendation that it be passed.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Corporations on House Bill No 8. be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 6th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred House Bill No. 14: 'An Act to amend Section 1294 of the Compiled Laws of 1897, relative to combinations and monopolies,' has had the same under consideration, and I am directed

to report the said House Bill No. 14 to the Council with the recommendation that it be not passed.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Territorial Affairs on House Bill No. 14 be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 6th, 1907.

"Mr President:

"Your Committee on Municipal and Private Corporations, to whom has been referred House Substitute for House Bill No. 42: 'An Act amending Section 48 of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, relative to annual reports by corporations,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"JACOBO CHAVES, Chairman."

Mr. Chaves moved that the report of the Committee on Municipal and Private Corporations on House Substitute for House Bill No. 42 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 6th, 1907.

"Mr. President:

"Your Committee on Judiciary to whom has been referred Council Bill No. 63, being 'An Act in relation to property rights of husband and wife, has had the same under consideration and I am directed to report the said Council Bill No. 63 to the Council, with the recommendation that it be amended as follows.

"In Section 18, after the word 'homestead,' at the end of the seventh line of the original bill, add the following: 'Which is then and there being occupied and used as a home by the husband and wife, or which has been declared to be such by a written instrument signed and acknowledged by the husband and wife and recorded in the County Recorder's office of the county, and 'must' 'And contracts for separation.'

"Section 24 after the word 'settlement' and before the word 'must' in the second line of the original bill insert the following

words: 'And contracts for separation.'

"After Section 30 insert the following section: 'Section 31. When wife may exercise control over community property. When over the husband is non compos mentis or has been convicted of a felony and sentenced to imprisonment for a period of more than one year or has abandoned his wife and family and left her and his family, if they have children, without support, or is an habitual drunkard or for any other reason is incapacitated to manage and administer the community property, the wife may present a petition duly verified to the District Court of the county wherein any of the community property is located or situated, stating the name of her husband, a description of all community property, tated to manage and administer the community property and praying that she be substituted for her husband, as the head of said community, with the same power of managing, administratboth real and personal and the facts which render him incapaciating and disposing of the community property, as is vested in the husband by this act.'

"Sec. 32. If it appears from said petition that the husband is non compos mentis the action shall not be prosecuted further until a guardian ad litem for such husband be appointed by the Court.'

"Sec. 33. In all other cases except such as wherein the husband is alleged to be non compos mentis service of process shall be had as in other civil actions.'

"Sec. 34. Upon the hearing of the petition so filed by the wife the court shall render judgment therein, either dismissing said petition or adjudging the wife thereafter to be the head of said community, with full power of managing, administrating and disposing of the community property, either real or personal, with such limitation therein as to the court may appear to be in furtherance of justice.'

"Sec. 35. All judgments rendered as in the preceding section provided shall be recorded in the office of the Probate Court, and ex-officio recorder of the county where any property of the community affected thereby is situated, and such judgment, when so recorded shall be notice of the facts therein set out.'

"Sec. 36. *When community property may be divided and the procedure for division.* Whenever the husband and wife shall have permanently separated and no longer live and cohabit together as husband and wife either may institute suit in the district court for a division of the community property and for the

disposition of the children, without asking for or obtaining in said suit a dissolution of the bonds of matrimony, or the wife may institute suit in such cases for alimony alone.'

"Change Section 31 to read 'Section 37.'

"Your Committee recommend that said bill with the amendments proposed do pass.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 6th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 58: 'An Act providing for the employment of jail prisoners,' has had the same under consideration, and I am directed to report the said Council Bill No. 58 to the Council with the recommendation that it be amended as follows: 'In Section 1, after the word "ordinance" in the fourth line, insert "incorporated under a general or special act"; in Section 2, after the word "three" in the first line change to "seven"; after the words "such services" in the last line of said Section 2 add thereto the following: "Said expense to be paid out of the road fund";' and that the same do pass as amended.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 58 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 63 be adopted, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 6th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Substitute for House Bill No. 101: 'An Act entitled an act to amend Section 2361 of the Compiled Laws of New Mexico of 1897 relative to the recording of chattel mortgages,' has had the same under consideration, and I am directed to report the

said House Substitute for House Bill No. 101 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on House Substitute for House Bill No. 101 be adopted, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., March 6th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred Council Bill No. 30: ‘An Act relative to practice in the Supreme Court,’ has had the same under consideration, and I am directed to report the said Council Bill No. 30 to the Council with the recommendation that it be amended by striking out from Section 1 of such act the words ‘or by satisfactory affidavit or affidavits.’ being the last six words in such section, and that it do pass as amended.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 30 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., March 6th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 67: ‘An Act relative to recognizances,’ has had the same under consideration, and I am directed to report the said House Bill No. 67 to the Council with the recommendation that it be amended by adding at the end of Section 1, after the word ‘trial’ the following: ‘Provided, however, no witness shall be required to furnish sureties on any such bond for his attendance as herein provided, except in murder cases,’ and that it do pass as amended.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 67 be adopted, which motion was duly

seconded by Mr. Cameron, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly.  
“Santa Fe, N. M., March 6th, 1907.

“Mr. President:

“Your Committee on Agriculture, to whom has been referred Council Bill No. 35: ‘An Act regulating the sale of estray animals,’ has had the same under consideration, and I am directed to report the said Council Bill No. 35 to the Council with the recommendation that it be passed.

“E. A. MIERA, Chairman.”

Mr. Miera moved that the report of the Committee on Agriculture on Council Bill No. 35 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 6th, 1907.

“Mr. President:

“Your Committee on Agriculture, to whom has been referred Council Bill No. 40: ‘An Act to encourage the importation and raising of improved male animals for breeding purposes, and providing for a lien on the offspring of such male animals for their services and the procedure for enforcing same, and for other purposes,’ has had the same under consideration, and I am directed to report the said Council Bill No. 40 to the Council with the recommendation that it be not passed.

“E. A. MIERA, Chairman.”

Mr. Miera moved that the report of the Committee on Agriculture on Council Bill No. 40 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 82, by Mr. Chaves: “An Act relating to community land grants.”

Read a first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 82 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time

by title and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 83, by Mr. Murray: "An Act providing funds to pay outstanding claims of judges and clerks of election."

Read a first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 83 be read a second time by title and ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Finance.

Bills on their third reading being in order, the following were taken up for consideration:

House Bill No. 21 was reported to the Council by the Committee on Corporations with the recommendation that it be not passed, and the report of the Committee was adopted.

House Bill No. 21: "An Act in relation to Corporations."

Read a third time by title.

Mr. Martinez moved that House Bill No. 21 be laid on the table indefinitely, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and House Bill No. 21 was ordered laid on the table indefinitely.

House Bill No. 8 was reported to the Council by the Committee on Territorial Affairs with the recommendation that it be passed, and the report of the Committee was adopted.

House Bill No. 8: "An Act to extend the corporate limits of the City of Santa Fe."

Read a third time by title.

Mr. Martinez moved that House Bill No. 8 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent and Stockton. (8).

Nays: Cameron, Chaves, Sulzer and Mr. President. (4).

House Bill No. 8 was declared as having duly passed the Council.

House Bill No. 14 was reported to the Council by the Committee on Territorial Affairs with the recommendation that it be not passed, and the report of the Committee was adopted.

House Bill No. 14: "An Act to amend Section 1294 of the Compiled Laws of 1897 relative to combinations and monopolies."

Read a third time by title.

Mr. Martinez moved that House Bill No. 14 be laid on the table indefinitely, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and House Bill No. 14 was ordered laid on the table indefinitely.

Council Bill No. 58, reported to the Council by the Committee on Territorial Affairs with the recommendation that it be passed with amendments offered by the Committee, and report of the Committee was adopted.

Mr. Dalies moved that the amendments offered by the Committee on Territorial Affairs on Council Bill No. 58 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the amendments stood adopted.

Council Bill No. 58: "An Act providing for the employment of jail prisoners."

Read a third time by title.

Mr. Dalies moved that Council Bill No. 58 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

Council Bill No. 58 was declared as having duly passed the Council.

House Substitute for House Bill No. 42 was reported to the Council by the Committee on Municipal and Private Corporations with the recommendation that it be passed, and the report of the Committee was adopted.

House Substitute for House Bill No. 42: "An Act to amend Section 48 of Article 3 of Chapter 79 of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 16th, 1905, relative to annual reports by corporations."

Read a third time by title.

Mr. Martinez moved that House Substitute for House Bill No. 42 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Chaves, Dalies, Duncan, Martinez, Richards, Sargent, Stockton, Sulzer and Mr. President. (9).

Nays: Cameron, Miera and Murray. (3).

House Substitute for House Bill No. 42 was declared as having duly passed the Council. Mr. Duncan moved that House Substitute for House Bill No. 42 be recommitted, which motion was duly seconded by Mr. Miera, put to a vote and declared carried,



and House Substitute for House Bill No. 42 was ordered recommended to the Committee on Municipal and Private Corporations.

Council Bill No. 63 was reported to the Council by the Committee on Judiciary, with the recommendation that it be passed with amendments offered by the Committee, and the report of the Committee was adopted. Mr. Cameron moved that the amendments offered by the Committee on Judiciary on Council Bill No. 63 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the amendments offered stood adopted.

Council Bill No. 63: "An Act in relation to property rights of husband and wife."

Read a third time by title.

Mr. Duncan moved that Council Bill No. 63 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 63 was declared as having duly passed the Council.

House Substitute for House Bill No. 101 was reported to the Council by the Committee on Judiciary with the recommendation that it be passed, and the report of the Committee was adopted.

House Substitute for House Bill No. 101: "An Act entitled an act to amend Section 2361 of the Compiled Laws of New Mexico of 1897, relative to the recording of chattel mortgages."

Read a third time by title.

Mr. Dalies moved that House Substitute for House Bill No. 101 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Substitute for House Bill No. 101 was declared as having duly passed the Council.

Council Bill No. 30 was reported to the Council by the Committee on Judiciary with the recommendation that it be passed with the amendments offered by the Committee, and the report of the Committee was adopted. Mr. Martinez moved that the amendments offered by the Committee on Judiciary to Council

Bill No. 30 be adopted, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and the amendments stood adopted.

Council Bill No. 30: "An Act relative to practice in the Supreme Court."

Read a third time by title.

Mr. Cameron moved that Council Bill No. 30, together with the report of the Committee on Judiciary thereon, remain on the President's table as unfinished business, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and Council Bill No. 30, together with the report of the Committee on Judiciary thereon, was ordered laid on the President's table to come up in its regular order as unfinished business.

House Bill No. 67 was reported to the Council by the Committee on Judiciary with the recommendation that it be passed with the amendments offered by that Committee, and the report of the Committee was adopted. Mr. Dalies moved that the amendments offered by the Committee on Judiciary on House Bill No. 67 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the amendments stood adopted.

House Bill No. 67: "An Act relative to recognizances."

Read a third time in full. Mr. Duncan moved that House Bill No. 67 do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 67 was declared as having duly passed the Council.

Council Bill No. 35 was reported to the Council with the recommendation that it be passed, and the report of the Committee was adopted.

Mr. Miera moved that the Council do go into executive session, which was duly seconded by Mr. Duncan, put to a vote and declared carried, and the Council went into executive session at 11:55 a. m.

Council was called to order at 12 m. by the President.

Business on the President's table being in order, the President announced having signed the following:

House Substitute for Council Bill No. 12: "An Act to encourage the erection of beet sugar factories and for other purposes."

Substitute for House Bill No. 33: "An Act providing for

transfer of real estate records from Colfax County to Union County for real estate now located in Union County."

House Bill No. 56: "An Act fixing the time for holding the term of district court for the first Judicial District of the Territory of New Mexico."

House Bill No. 59: "An Act to amend Section 3342 of the Compiled Laws of New Mexico of 1897."

House Bill No. 68: "An Act assenting to the purpose of grants of money authorized by an Act of Congress, an act to provide for an increase annual appropriation for agricultural experiment station and regulating the expenditure thereof. Approved March 16th, 1906."

House Bill No. 69: "An Act to amend Section 3428 of the Compiled Laws of New Mexico of 1897, relative to the issuance of warrants on affidavits based on information and belief."

House Bill No. 95: "An Act with reference to the sale of intoxicating liquors on trains."

Mr. Martinez moved that the Council do now adjourn until 3 o'clock tomorrow afternoon, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and the Council stood adjourned until 3 p. m. tomorrow.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FORTY-SIXTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 7th, 1907,  
Thursday, 3 o'clock.

Council met pursuant to adjournment, called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Mr. Dalies absent.

There being a quorum present the Council proceeded to business.

Message from the Governor of New Mexico announced and received.

Mr. Martinez moved that the reading of yesterday's Journal be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Sulzer, put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Reports of Standing Committees being in order, the following were taken up for consideration:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 7th, 1907.

"Mr. President:

"Your Committee on Education, to whom has been referred Council Bill No. 38: 'An Act to amend Chapter 51 of the Statutes, an act granting certain land in the City of Santa Fe to the Woman's Board of Trade and Library Association,' has had the same under consideration and I am directed to report the said bill to the Council with the recommendation that it be passed.

"J. F. SULZER, Chairman."

Mr. Duncan moved that the report of the Committee on Education on Council Bill No. 38 be adopted, which motion was duly seconded by Mr. Sulzer, put to a vote and declared carried, and the report stood adopted.

Introduction of bills being order the following were introduced:

Council Bill No. 84, by Mr. President: "An Act fixing the time for holding the terms of the District Court for the several counties in the Fourth Judicial District of the Territory of New Mexico."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 84 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 85, by Mr. President: "An Act to establish a scientific farming experiment station in the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 85 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read a second time in full.

Mr. Duncan moved that the rules be further suspended and that Council Bill No. 85 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Duncan, and on a rising vote being taken the motion was declared lost and Council Bill No. 85 was ordered referred to Committee on Finance.

Council Bill No. 86, by Mr. President: "An Act to provide for the control of the New Mexico Mounted Police Force, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 86 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title, ordered translated, printed and referred to the Committee on Territorial Affairs.

Council Bill No. 87, by Mr. President: "An Act relating to the sale of lands and townsites where legal title is vested in Probate Judge of County where townsites are situate, and not heretofore sold and conveyed in the manner prescribed by law."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 87 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 88, by Mr. Martinez: "An Act providing for the assessment for taxation of sheep in the Territory of New Mexico."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 88 be read a second time in full, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried.

Read a second time in full.

Mr. Chavez moved that the rules be further suspended and that Council Bill No. 88 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Martinez moved that Council Bill No. 88 do now pass, which

motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Chaves, Martinez, Miera, Sargent, Stockton, Sulzer, Mr. President. (8).

Nays, Cameron, Murray, Richards. (3). One absent.

Council bill No. 88 was declared as having duly passed.

Council Bill No. 89, by Mr. Martinez: "An Act to amend Section 1740 of the Compiled Laws of 1897."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 89 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried.

Read a second time by title.

Mr. Cameron requested that Council Bill No. 89 be read in full for information. Read in full for information, ordered translated, printed and referred to the Committee on Judiciary.

Council Bill No. 90, by Mr. Martinez: "An Act entitled an act to exempt from the provisions of Chapter 66 of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, of gasoline, naphtha and distillate, and for other purposes."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 90 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried.. Read a second time by title and ordered referred to the Committee on Judiciary.

Council Bill No. 91, by Mr. Martinez: "An Act relating to highways, and for other purposes."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 91 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a second time by title, ordered translated, printed and referred to the Committee on Roads and Highways.

Council Bill No. 92, by Mr. Cameron: "An Act entitled an act to repeal Chapter 66 of the Acts of the 36th Legislative Assembly of the Territory of New Mexico, and fixing a standard of fire test and specific gravity for petroleum to be sold for illuminating purposes in the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 92 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Judiciary.

Mr. Miera moved that the vote whereby House Bill No. 14 be laid on the table indefinitely be reconsidered, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried, and House Bill No. 14 was declared as being before the Council.

Mr. Miera moved that House Bill No. 14 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays. None. One absent.

Bills on their third reading being in order the following were taken up for consideration:

Council Bill No. 38, reported to the Council by the Committee on Education with the recommendation that the bill be passed, and report of the Committee was adopted.

Council Bill No. 38: "An Act to amend Chapter 51 of the Statutes, an act granting certain lands in the City of Santa Fe to the Woman's Board of Trade and Library Association, as a site for a free library building."

Read first time by title.

Mr. Sulzer moved that Council Bill No. 38 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays. None. One absent.

Council Bill No. 38 was declared as having duly passed the Council.

Council Bill No. 35: "An Act regulating the sale of stray animals."

Read third time by title.

Mr. Cameron asked and was granted unanimous consent to offer an amendment to Council Bill No. 35, as follows:

"Amend Section 3 by adding at the end thereof, after the word 'up,' 'providing, however, that no charge of more than five

(5) cents per day per head shall be made or allowed for the care of any stray animals."

Mr. Martinez moved that the amendment offered be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the amendment to Council Bill No. 35 stood adopted.

Mr. Miera moved that Council Bill No. 35 do now pass, which motion was duly seconded by Mr. Martinez and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

Council Bill No. 35 was declared as having duly passed the Council.

Council Bill No. 40 was reported to the Council by the Committee on Agriculture with the recommendation that it be not passed, and the report was adopted.

Council Bill No. 40: 'An Act to encourage the importation and raising of improved male animals for breeding purposes, and providing for a lien on the offspring of such male animals for their services and the procedure for enforcing same, and for other purposes.'

Read third time by title.

Mr. Cameron moved that Council Bill No. 40 do now pass, which motion was duly seconded by Mr. Murray and upon call of the roll the following vote resulted:

Ayes: Cameron, Murray, Sulzer and Mr. President. (4).

Nays: Chaves, Duncan, Martinez, Miera, Richards, Sargent and Stockton. (7).

Council Bill No. 40 was declared as having failed to pass.

Business on the President's table being in order the following was taken up for consideration:

House Joint Resolution No. 6: "In regard to the disposition of the Old Palace at Santa Fe."

Read first time by title.

Mr. Miera moved that the rules be suspended and that House Joint Resolution No. 6 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Joint Resolution No. 8: "Relative to the Alaska, Yukon and Pacific Exposition."



Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Joint Resolution No. 8 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Bill No. 40: "An Act to repeal Chapter 9 of the Session Laws of the Territory of New Mexico of 1905, entitled an act to organize and equip a company of mounted police in the Territory of New Mexico, approved February 20th, 1905, and for other purposes."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 40 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Bill No. 54: "An Act in regard to the malpractice of law by attorneys, and providing a penalty for the violation thereof."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 54 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

Amended House Bill No. 61: "An Act in reference to the boundaries of the County of Quay."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Amended House Bill No. 61 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on County and County Lines.

House Bill No. 64: "An Act to prevent intoxication among minors."

Read first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 64 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and

declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Substitute for House Bill No. 65: "An Act relating to fees in certain cases."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Substitute for House Bill No. 65 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Municipal and Private Corporations.

House Bill No. 85: "An Act to punish blackmail, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 85 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Railroads.

House Bill No. 104: "An Act to amend Chapter 81 of the Acts of the Thirty-fourth Legislative Assembly, being 'An Act entitled an act to provide a method of procedure in the administration of estates of deceased persons, and to define the duties of administrators and executors, and providing a method of appeal from Probate Courts to District Courts, and for other purposes, approved March 21st, 1901.'"

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 104 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 106: "An Act relative to fees of Probate Clerks."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 106 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

Amended House Bill No. 108: "An Act authorizing the construction of an addition to the Territorial Capitol at Santa Fe,

providing the necessary means therefor, and for the appointment of a Board authorized to build the same, and for other purposes."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Amended House Bill No. 108 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Capitol.

House Bill No. 113: "An Act providing for the sprinkling of streets in unincorporated towns, and assessing the expenses thereof against the owners of property abutting upon said streets."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 113 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Irrigation.

House Bill No. 122: "An Act to amend Section 805 of the Compiled Laws of New Mexico of 1897, relative to River Commissioners."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 122 be read a second time and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Irrigation.

House Bill No. 124: "An Act to amend Section 2355 of the Compiled Laws of 1897."

Read first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 124 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 155: "An Act fixing the time for holding District Court in Otero and other Counties."

Read first time by title.

Mr. Murray moved that the rules be suspended and that House Bill No. 155 be read a second time by title, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title. Mr. Murray moved that House Bill No. 155 be laid on the President's table as unfinished business,

which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and House Bill No. 155 was ordered laid on the President's table.

A message from the Honorable House of Representatives announced and received as follows:

"Mr President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly concurred in the passage of Council Joint Resolution No. 6: 'Approving and endorsing the objects and purposes of the Coronado Memorial Association, and making an appropriation for the construction of a monument commemorative of the life and services of the great explorer Francisco Vasquez de Coronado.'

"Also that the House has duly passed House Substitute for House Bill No. 53: 'An Act to regulate the practice of medicine in New Mexico, and establish a Board of Health and Medical Examiners.'

"Also that the House has duly passed House Bill No. 125: 'Relative to exemption from jury service.'

"Also that the House has duly passed House Bill No. 162: 'An Act relating to the sale of land in certain cases.'

"Also that the House has duly passed House Bill No. 183: 'An Act relating to the settlement of accounts of public officers.'

"Also that the House has duly passed House Bill No. 184: 'An Act to prohibit gambling in the Territory of New Mexico.'

"And respectfully asks the concurrence of this Honorable Body to the same."

House Bill No. 167: "An Act to amend House Bill No. 95, entitled 'An Act with reference to the sale of intoxicating liquors on trains.'"

Read first time by title.

Mr. Stockton moved that the rules be suspended and that House Bill No. 167 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Railroads.

House Substitute for House Bill No. 53: "An Act to regulate the practice of medicine in New Mexico, and to establish a Board of Health and Medical Examiners."

Read first time by title.

Mr. Murray moved that the rules be suspended and that House Substitute for House Bill No. 53 be read a second time by title

and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 126: "An Act to amend Section 2, of Chapter 116, of the Laws of 1905 relative to exemption from jury service."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 126 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Bill No. 162: "An Act relating to the sale of land and townsites wherein title is vested in Probate Judge of the County where townsites are situate, and not heretofore sold and conveyed in the manner prescribed by law."

Read first time by title.

Mr. Stockton moved that the rules be suspended and that House Bill No. 162 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 183: "An Act relating to the settlement of accounts of public officers."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 183 be read a second time by title, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried.

Read a second time by title.

Mr. Martinez, moved that the rules be further suspended and that House Bill No. 183 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried..

Read a third time in full preparatory to its passage.

Mr. Martinez moved that House Bill No. 183 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays. None. One absent.

Council Bill No. 183 was declared as having duly passed the Council.

House Bill No. 184: "An Act to prohibit gambling in the Territory of New Mexico."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 184 be read a second time by title and referred, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

Council Bill No. 30 was reported back to the Council by the Committee on Judiciary with amendments and recommendation that Council Bill No. 30 do now pass as amended; report of the Committee was adopted, amendments were adopted, bill was read a third time and then upon motion of Mr. Cameron it remained on the President's table without prejudice.

Mr. Murray moved that Council Bill No. 30 be allowed to further lay on the President's table without prejudice, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and Council Bill No. 30 was ordered to further lay on the President's table without prejudice.

Mr. President announced having received the following communications from the Governor of the Territory of New Mexico: "Message No. 11.

"Territory of New Mexico,  
"OFFICE OF THE EXECUTIVE,  
"Santa Fe, March 6th, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed the following:

"House Bill No. 95: 'An Act with reference to the sale of intoxicating liquors on trains.'

"House Bill No. 69: 'An Act to amend Section 3428 of the Compiled Laws of New Mexico of 1897 relative to the issuance of warrants upon affidavits based on information and belief.'

"House Substitute for House Bill No. 33: 'An Act providing for transfer of real estate records from Colfax County for real estate records now located in Union County.'

"House Bill No. 59: 'An Act to amend Section 3342 of the Compiled Laws of New Mexico of 1897.'

"House Substitute for Council Bill No. 12: 'An Act to en-

courage the erection of beet sugar factories and for other purposes.'

"I have the honor to be,

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

"Message No. 13.

"Territory of New Mexico.

"OFFICE OF THE EXECUTIVE,

"Santa Fe, March 7th, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed House Bill No. 68: 'An Act assenting to the purpose of Grants of Money, authorized by an Act of Congress entitled 'An Act to provide for an increased annual appropriation for Agricultural Experiment Stations and regulating the expenditure thereof, approved March 16, 1906.'

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

Mr. President announced having received Executive Message No. 12.

Mr. Cameron requested and was granted unanimous consent to introduce a bill.

Council Bill No. 93, by Mr. Cameron: "An Act to prevent delays in transporting live stock by common carriers."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 93 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Railroads.

Mr. Duncan moved that the Council do now go into Executive Session, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Council went into Executive Session at 4:50 p. m.

Council called to order by the President at 5 p. m.

Mr. Duncan moved that the Council do now adjourn until 3 o'clock tomorrow afternoon, which motion was duly seconded by

Mr. Martinez, was put to a vote and declared carried, and the Council stood adjourned until 3 p. m. tomorrow.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FORTY-SEVENTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 8th, 1907.

Friday, 3 o'clock.

Council met pursuant to adjournment, called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

Mr. Miera moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Reports of Standing Committees being in order the following were taken up:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 8th, 1907.

"Mr. President:

"Your Committee on Railroads, to whom has been referred House Bill No. 167: 'An Act to amend House Bill No. 95, entitled 'An Act with reference to the sale of intoxicating liquors on trains,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be amended by striking out the words 'its passage' at the end of Section 2 of said act, and inserting in lieu thereof 'April 1st, 1907,' and as so amended it be passed.

"J. S. DUNCAN, Chairman."

Mr. Duncan moved that the report of the Committee on Rail-



roads on Council Bill No. 167 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 8th, 1907.

“Mr. President:

“Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 19, being ‘An Act to establish the New Mexico Military Institute a post of the National Guard, and for other purposes,’ has had the same under consideration, and I am directed to report the said Council Bill No. 19 to the Council with the recommendation that it be amended by substituting therefor Council Substitute for Council Bill No. 19, submitted herewith and recommended that said Council Substitute for Council Bill No. 19 do pass.

“E. A. MIERA, Chairman.”

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 19 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 8th, 1907.

“Mr. President:

“Your Committee on Municipal and Private Corporations, to whom has been referred Council Bill No. 59: ‘An Act to amend Section 10, of Article 4, of an act entitled ‘An Act to incorporate the Town of Silver City in Grant County,’ has had the same under consideration, and I am directed to report the said Bill to the Council with the recommendation that it be passed.

“JACOBO CHAVES, Chairman.”

Mr. Chaves moved that the report of the Committee on Municipal and Private Corporations on Council Bill No. 59 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 8th, 1907.

“Mr. President:

“Your Committee on Enrolled and Engrossed Bills, to whom have been referred:

"Council Bill No. 3: 'An Act providing for selling and granting to the City of Roswell a portion of School Section No. 16, in Township No. 11 South, of Range 24 East, in Chaves County, etc., for cemetery purposes,' has had the same under consideration.

"Amended Council Bill No. 4, 'Providing for the sale and granting to the Town of Artesia, in Eddy County, certain lands for cemetery purposes,' has had the same under consideration.

"Also Council Bill No. 54: 'An Act amending Sections 6, 7, 8, and 9, of Chapter 54, of the Session Laws of 1903,' has had the same under consideration.

"Also Council Bill No. 56: 'An Act placing the County of Sandoval in the First District as established for District Attorney purposes by Chapter 33 of the Session Laws of 1905, and fixing the time for holding court in Sandoval County,' has had the same under consideration,

"Also, Council Bill No. 64: 'An Act relating to the qualification of witnesses,' has had the same under consideration, and I am directed to report said bills to the Council as having been properly and correctly and duly engrossed.

"JACOBO CHAVES, For the Committee."

The President announced the report of the Committee on Enrolled and Engrossed Bills as adopted and the same stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 94, by Mr. President: 'An Act providing for the taxation of express companies."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 94 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Railroads.

Council Bill No. 95, by Mr. President: 'An Act to amend Section 2, of Chapter 9, of the Acts of the Thirty-fourth Legislative Assembly of New Mexico relating to railroads."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 95 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read a second time in full.

Mr. Cameron moved that the rules be further suspended and that Council Bill No. 95 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Duncan moved that Council Bill No. 95 do now pass, which motion was duly seconded by Mr. Martinez and upon call of the roll the following vote resulted:

Mr. Duncan moved that Council Bill No. 95 do now pass, which motion was duly seconded by Mr. Martinez and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Sargent, Stockton, Sulzer, Mr. President. (10).

Nays: Richards. (1). One absent.

Council Bill No. 95 was declared as having duly passed.

Council Bill No. 96, by Mr. Duncan: "An Act to amend Chapter 124 of the laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 96 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title, ordered translated, printed and referred to the Committee on Roads and Highways.

Council Bill No. 97, by Mr. Miera: "An Act to amend Section 10, of Chapter 7, of the Laws of 1905."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 97 be read a second time by title, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Territorial Affairs.

Bills on their third reading being in order the following were taken up for consideration:

House Bill No. 167, reported to the Council by the Committee on Railroads, with amendments, and report of the Committee was adopted. Mr. Duncan moved that the amendments offered by the Committee on Railroads on House Bill No. 167 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendments stood adopted.

House Bill No. 167: "An Act to amend House Bill No. 95, entitled 'An Act in reference to the sale of intoxicating liquors on trains.'"

Read a third time by title.

Mr. Duncan moved that House Bill No. 167 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

House Bill No. 167 was declared as having duly passed.

Council Bill No. 19 reported to the Council by the Committee on Territorial Affairs, offering a substitute therefor; the original bill has not been reported, report of the Committee has been adopted.

Council Substitute for Council Bill No. 19: "An Act to constitute the New Mexico Military Institute, located at Roswell, a post of the National Guard, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Substitute for Council Bill No. 19 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full. Mr. Cameron moved that the rules be further suspended and that Council Substitute for Council Bill No. 19 be read a third time by title preparatory to its passage which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried.

Read a third time by title.

Mr. Cameron moved that Council Substitute for Council Bill No. 19 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

Council Substitute for Council Bill No. 19 was declared as having duly passed.

A message from the Honorable House of Representatives announced and received as follows:

"Mr. President:

"I have been instructed by the Honorable House of Representatives to inform this Honorable Body that the House has duly

passed House Substitute for House Bill No. 11: 'An Act for the bringing of tax suits and for other purposes.'

"Also that the House has duly passed House Bill No. 72: 'An Act relating to public highways.'

"Also that the House has duly passed House Bill No. 66: 'An Act to regulate the practice of land locating and surveying and for the appointment of a board of examiners in the matter of said regulation.'

"Also that the House has duly passed House Bill No. 103: 'An Act to prohibit expectoration on sidewalks, etc.'

"Also that the House has duly passed House Bill No. 105: 'An Act relative to the inspection of bees.'

"Also that the House has duly passed Council Bill No. 7: 'An Act to define and punish certain crimes, to amend and repeal certain portions of the Compiled Laws of 1897, relating to crimes, and for other purposes.'

"Also that the House has passed Council Bill No. 37: 'An Act for the protection of highway bridges, and for other purposes.'

"Also that the House has passed House Substitute for Council Bill No. 49: 'An Act to amend Section 48, of Chapter 79, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to reports of corporations.'

"Also that the House has passed Council Bill No. 50: 'An Act in reference to the qualification of voters.'

"Also that the House has passed Council Bill No. 52: 'An Act with reference to a cemetery at Deming.'

"Also that the House has passed Council Bill No. 53: 'An Act extending all the provisions of Sections 2394, 2395, Compiled Laws of 1897, of Sections 6 and 7, Chapter 39.'

"And asks the concurrence of this Honorable Body in the same."

Council Bill No. 59, reported to the Council by the Committee on Municipal and Private Corporations, with recommendation that it be passed, and report of the Committee adopted.

Council Bill No. 59: 'An Act to amend Section 10 of Article 4 of an act entitled an act to incorporate the town of Silver City in Grant County.'

Read a third time by title.

Mr. Murray moved that Council Bill No. 59 do now pass, which motion was duly seconded by Mr. Richards, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

Council Bill No. 59 was declared as having duly passed. :

Business on the President's table being in order the following were taken up for consideration:

Council Bill No. 30 was announced as having remained on the President's table for two days as unfinished business, without prejudice, being "An Act relative to practice in the Supreme Court."

Mr. Murray moved that Council Bill No. 30 be allowed to further lay on the President's table without prejudice, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and it was ordered to further lay on the President's table without prejudice.

House Bill No. 155: "An Act fixing the times of holding District Courts in Otero and other counties," announced as laying on the President's table since yesterday, and was ordered to further lay on the President's table without prejudice.

House Substitute for House Bill No. 11: "An Act for the bringing of tax suits, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 11 be read a second time by title, referred which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Bill No. 72: "An Act relating to public highways."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that House Bill No. 72 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Roads and Highways.

House Bill No. 88: "An Act to regulate the practice of land locating and surveying, and for the appointment of a board of examiners in the matter of said location."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 88 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Mines and Public Lands.

Mr. President announced having signed House Substitute for House Bill No. 101: "An Act to amend Section 2361 of the Com-

piled Laws of New Mexico, 1897, relative to the recording of chattel mortgages."

Also House Bill No. 8: "An Act to extend the corporate limits of the City of Santa Fe, N. M."

Also House Bill No. 183: "An Act relative to the settlement of accounts of public officers."

Also House Resolution No. 11: "Relating to Spanish and Mexican Archives."

Mr. Duncan moved that the Council do now adjourn until 3 o'clock Monday afternoon, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried, and the Council thereupon stood adjourned until Monday 3 p. m.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FIFTIETH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 11th, 1907.  
Monday, 3 o'clock.

Council met pursuant to adjournment, with the President in the chair.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Cameron moved that the reading of Friday's Journal be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Journal stood approved.

Mr. Cameron asked and was granted unanimous consent to introduce Council Joint Resolution No. 7, entitled "Providing for a vote of thanks to F. H. Newell, director of the Geological Survey, lately Chief Engineer of the Reclamation Service Bureau, B. M. Hall, Supervising Engineer and W. M. Reed, Superintending Engineer thereof, and others, officials of the reclamation Service

who have had charge of preparing the plans and executing the work of the Rio Hondo Irrigation Project at Roswell, New Mexico, the Carlsbad Irrigation project at Carlsbad, New Mexico, and also providing for a celebration commemorative of the beginning of the use of water in the Territory of New Mexico, supplied from irrigation works constructed by the United States and providing a fund for assisting in defraying the expenses of such celebration, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and Council Joint Resolution No. 7 be read a second time by title, ordered translated, printed and referred. which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered translated, printed and referred to the Committee on Irrigation.

Mr. Martinez moved that the Council do now adjourn, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Council thereupon stood adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FIFTY-FIRST DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 12th, 1907.

Tuesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the Journal stood approved.



Reports of Standing Committees being in order the following were taken up for consideration:

"Mr President:

"Your Committee on Enrolled and Engrossed Bills, to whom has been referred Council Bill No. 37: 'An Act entitled an act for the protection of highway bridges, and for other purposes';

"Also Council Bill No. 53: 'An Act extending all of the provisions of Sections 2394 and 2395 of the Compiled Laws of 1897 of Sections 6 and 7 of Chapter 39.'

"Also Council Substitute for Council Bill No. 7: 'An Act to define and punish certain crimes, to amend and appeal certain portions of the Compiled Laws of 1897 relating to crimes, and for other purposes.'

"Also Council Bill No. 50: 'An Act in reference to the qualification of voters,' has had the same under consideration and I beg leave to report the same to the Council as correctly and properly engrossed..

"CARL A. DALIES, Chairman."

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 11th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Bill No. 17: 'An Act entitled an act to provide for the furnishing of bonds by territorial and county officials,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it do not pass, but that Council Substitute for Council Bill No. 17 do pass.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 17 be adopted, which motion was seconded by Mr. Sulzer, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 11th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Bill No. 60: 'An Act to repeal an act of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, entitled 'An Act authorizing County Commissioners to levy a tax for court House and jail purposes, approved March 13th, 1905,' and for other pur-

poses,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed with attached amendments.

"Amendments to Council Bill No. 60:

"That Section 1, of Chapter 54, of the Acts of the Thirty-sixth Legislative Assembly be amended by striking out the word 'directed' wherever it may appear in said section.

Section 2. Any funds to the credit of the 'Court House Building Fund' in any county, which in the discretion of the County Commissioners of such county is not necessary for the purpose for which said fund was collected, the County Commissioners of such county are hereby authorized to cause such funds to be transferred to the general fund of such county.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 60 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 12th, 1907.

"Mr. President:

"Your Committee on Irrigation, to whom has been referred House Bill No. 113: 'An Act providing for the sprinkling of streets in unincorporated towns,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"M. B. STOCKTON, Chairman."

Mr. Martinez moved that the report of the Committee on Irrigation on House Bill No. 113 be adopted, which motion was duly seconded by Mr. Stockton, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 12th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Amended House Bill No. 104: 'An Act entitled an act to amend Chapter 81 of the Acts of the Thirty-fourth Legislative Assembly,' has had the same under consideration, and I am directed to re-

port the said Amended House Bill No. 104 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on Amended House Bill No. 104 be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., March 12th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 124: ‘An Act entitled an act to amend Section 2355 of the Compiled Laws of 1897,’ has had the same under consideration, and I am directed to report the said House Bill No. 124 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 124 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., March 11th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 162: ‘An Act entitled an act relating to the sale of lands in certain cases,’ has had the same under consideration, and I am directed to report the said House Bill No. 162 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 162 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., March 11th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 54: ‘An Act in regard to the malpractice of law by attorneys, and providing a penalty for the violation thereof,’

has had the same under consideration and I am directed to report the said House Bill No. 54 to the Council with th recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 54 be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 12th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 90: 'An Act entitled an act to exempt from the provisions of Chapter 66, Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, gasoline, naptha and distillate; and for other purposes,' has had the same under consideration, and I am directed to report the said Council Bill No. 90 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 90 be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 11th, 1907.

"Mr. President:

"Your Committee on Railroads, to whom has been referred House Bill No. 85, in regard to blackmail, has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"J. S. DUNCAN, Chairman."

Mr. Duncan moved that the report of the Committee on Railroads on House Bill No. 85 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and the report stood adopted.

Committee on Public Printing on Council Bill No. 78, reported favorably to the Council by Majority report, signed by Jacobo Chaves and Malaquias Martinez, and reported unfavorably by Minority Report, signed by E. A. Miera.

Mr. Miera moved that the Minority be adopted, which motion

was duly seconded by Mr. Duncan, was put to a vote and the motion was declared lost.

Mr. Dalies moved that Council Bill No. 78, together with the reports, be recommitted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and Council Bill No. 78, together with the reports on same, was ordered recommitted to the Committee on Public Printing.

A message from the Governor of New Mexico was announced and received.

Introduction of bills being in order the following were introduced:

Council Bill No. 98, by Mr. Martinez: "An Act repealing Section 3, Chapter 48, Session Laws of 1903."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 98 be read a second time in full, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried.

Read second time in full.

Mr. Martinez moved that the rules be further suspended and that Council Bill No. 98 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Martinez moved that Council Bill No. 98 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 98 was declared as having duly passed the Council.

Council Bill No. 99, by Mr. Sargent, by request: "An Act to authorize the determination and funding of outstanding indebtedness of municipal corporations."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Bill No. 99 be read a second time in full, ordered translated, printed and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full and ordered translated, printed and referred to the Committee on Finance.

Council Bill No. 100, by Mr. Murray: "An Act to prohibit the making or publishing of false or exaggerated statements or publishing of or concerning the affairs, pecuniary condition or property of any corporation, joint stock association, co-partnership or individual."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 100 be read a second time by title and referred, the printing and translation of same to be dispensed with, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

Council Bill No. 101, by Mr. Cameron: "An Act to repeal Chapter 127 of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, being 'An Act to amend the election laws of the Territory of New Mexico, and for other purposes, approved March 16th, 1905,' and to re-enact Chapter 59 of the Acts of the Thirty-fifth Legislative Assembly of the Territory of New Mexico, approved March 14th, 1903, being 'An Act providing for the registration and use of devices upon ballots for voters,' and to repeal all of Chapter 64 of the Acts of the Thirty-fifth Legislative Assembly of the Territory of New Mexico, being 'An Act to amend the election laws of the Territory of New Mexico, approved March 14th, 1903,' to repeal Section 1627 of the Compiled Laws of 1897 to provide for the appointment of judges of election, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 101 be read a second time by title and referred, and that the translating and printing of same be dispensed with, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

Council Bill No. 102, by Mr. Cameron: "An Act entitled an act to repeal Section 5, of Chapter 60, of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, to fix the compensation of and provide the qualifications to be possessed by County Superintendents, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 102 be read a second time in full and referred and that the printing and translating of same be dispensed with,

which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time in full and ordered referred to the Committee on Education.

The amendments offered by the House to Council Substitute for Council Bill No. 7 not having been concurred in by the Council, by unanimous consent the report of the Committee on Enrolled and Engrossed Bills was withdrawn and Council Substitute for Council Bill No. 7 was ordered referred to the Committee on Judiciary.

Bills on their third reading being in order, the following were taken up for consideration:

Council Bill No. 17, reported to the Council by the Committee on Finance with the recommendation that it do not pass, but that substitute offered in lieu thereof be passed. Report of the Committee adopted.

Council Substitute for Council Bill No. 17: "An Act to repeal Chapter 106, being an act entitled an act to provide for the furnishing of proper bonds by Territorial and County Officials, approved March 16th, 1905, of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, and to provide for the furnishing and approval of proper bonds of Territorial, County and Municipal Officials, and for other purposes."

Read a first time by title.

Mr. Sargent moved that the rules be suspended and that Council Substitute for Council Bill No. 17 be read a second time by title, which motion was seconded by Mr. Chaves, put to a vote and declared carried. Read a second time by title.

Mr. Sargent moved that the rules be further suspended and that Council Substitute for Council Bill No. 17 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Chaves moved that Council Substitute for Council Bill No. 17 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Substitute for Council Bill No. 17 was declared as having duly passed.

Mr. Sargent moved that Council Bill No. 17 be laid on the table indefinitely, which motion was duly seconded by Mr. Chaves,

put to a vote and declared carried, and Council Bill No. 17 was ordered laid on the table indefinitely.

Council Bill No. 60 was reported to the Council by the Committee on Finance with a recommendation that the bill be passed as amended, and the report of the Committee on Finance was adopted.

Mr. Martinez moved that the amendments be adopted on Council Bill No. 60, as offered by the Committee on Finance, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried, and the amendments stood adopted.

Council Bill No. 60: "An Act to repeal an act of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, entitled an act authorizing county commissioners to levy a tax for court house and jail building purposes, and for other purposes."

Read a third time by title. Mr. Sargent moved that Council Bill No. 60 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 60 was declared as having duly passed.

House Bill No. 113 was reported to the Council by the Committee on Irrigation favorably, and the report of the Committee was adopted.

House Bill No. 113: "An Act providing for the sprinkling of streets in unincorporated towns and assessing the expense thereof against the owners of property abutting on said streets."

Read a third time by title.

Mr. Martinez moved that House Bill No. 113 do now pass, which motion was duly seconded by Mr. Dalies, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 113 was declared as having duly passed.

Amended House Bill No. 104, recommended favorably to the Council by the Committee on Judiciary and the report of the Committee was adopted.

Amended House Bill No. 104: "An Act to amend Chapter 81 of the Acts of the Thirty-fourth Legislative Assembly, being an act entitled 'An Act to provide a method of procedure in the administration of estates of deceased persons, and to define the duties



of administrators and executors, and providing a method of appeal from Probate Courts to District Courts, and for other purposes,' approved March 21st, 1901."

Read a third time by title.

Mr. Dalies moved that Amended House Bill No. 104 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Amended House Bill No. 104 was declared as having duly passed.

House Bill No. 124 was reported favorably to the Council by the Committee on Judiciary and the report of the Committee was adopted.

House Bill No. 124: "An Act to amend Section 2355 of the Compiled Laws of 1897."

Read a third time by title.

Mr. Dalies moved that House Bill No. 124 do now pass, which motion was duly seconded by Mr. Murray, and upon call of the roll the following vote resulted:

Ayes: Dalies, Duncan, Martinez, Miera, Murray, Stockton, Sulzer and Mr. President. (8).

Nays: Cameron, Chaves, Richards and Sargent. (4).

House Bill No. 124 was declared as having duly passed.

House Bill No. 162: "An Act relating to the sale of lands and townsites where legal title is vested in Probate Judge of County where townsites are situate, and not heretofore sold and conveyed in the manner prescribed by law."

Read a third time by title.

Mr. Miera moved that House Bill No. 162 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

House Bill No. 162 was declared as having duly passed.

Nays: None.

House Bill No. 54: "An Act in regard to the malpractice of law by attorneys and providing a penalty for the violation thereof."

Read a third time by title.

Mr. Martinez moved that House Bill No. 54 do pass, which

motion was duly seconded by Mr. Sargent, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 54 was declared as having duly passed.

Council Bill No. 90: "An Act entitled an act to exempt from the provisions of Chapter 66, Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, gasoline, naptha and distillate, and for other purposes."

Read a third time by title.

Mr. Martinez moved that Council Bill No. 90 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 90 was declared as having duly passed.

House Bill No. 85: "An Act to punish blackmail, and for other purposes."

Read a third time by title.

Mr. Duncan moved that House Bill No. 85 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 85 was declared as having duly passed.

Business on the President's table being in order, the following was taken up for consideration:

House Bill No. 103: "An Act to prohibit expectoration upon sidewalks, public passes, by-ways and paths, in cities, towns and villages in the Territory of New Mexico, and for other purposes."

Read a second time by title and ordered referred to the Committee on Municipal Corporations.

House Bill No. 105: "An Act relative to the inspection of bees, creating the office of Inspector of Bees."

Read a first time by title.

Mr. Sargent moved that the rules be suspended and that House Bill No. 105 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, put to a vote and the motion was declared as having failed to carry.

Council Bill No. 52 was reported as returned by the House to the Council with amendments, and amendments read.

Mr. Martinez moved that the Council do concur with the House in the amendments offered by the House to Council Bill No. 52, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried, and the amendments were declared as having been concurred in.

House Substitute for Council Bill No. 49: "An Act to amend Section 48 of Chapter 79 of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to reports of corporations."

Read a first time by title.

Mr. Cameron moved that the rules be suspended and that House Substitute for Council Bill No. 49 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared as having failed to carry.

Council Bill No. 30: "An Act relative to practice in the Supreme Court."

Reported on the President's table without prejudice, and it was ordered to further lay on the President's table without prejudice.

House Bill No. 155: "An Act fixing times of holding District Courts in Otero and other counties."

Reported on the President's table without prejudice, and ordered to further lay on the President's table without prejudice.

Mr. Sargent moved that the vote whereby the motion to suspend the rules on House Bill No. 105 failed to carry, be reconsidered, which motion was duly seconded by Mr. Cameron, put to a vote, and the motion was declared as having failed to carry.

Mr. Miera moved that the Council do now adjourn, which motion was seconded by Mr. Martinez, put to a vote and declared carried, and the Council thereupon stood adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

**FIFTY-SECOND DAY.**

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**MORNING SESSION.**

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 13th, 1907,  
Wednesday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Chaves moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the Journal of yesterday's proceeding stood approved.

Reports of Standing Committees being in order, the following were taken up for consideration:

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, who have had under consideration Committee Substitute for Council Bill No. 7: 'An Act to define and punish certain crimes, and amend and repeal certain portions of the Compiled Laws of 1897 relating to crimes, and for other purposes,' have had the same under consideration, and I am directed to report the same to the Council as correctly and properly engrossed.

"Also Council Joint Resolution No. 6 has been under consideration by the Committee on Enrolled and Engrossed Bills and I am directed to report the same to the Council as correctly and properly engrossed.

"CARL A. DALIES, Chairman,"

The report of the Committee was declared adopted.

Message from the Honorable House of Representatives was announced and received, as follows:

"Santa Fe, N. M., March 13th, 1907.

"Mr. President:

"I have been instructed by the Honorable House of Representatives to inform this Honorable Body that the House has amended

and duly passed House Bill No. 177: 'An Act to amend Section 11, Chapter 7, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico. Approved February 10, 1905, relative to the construction of a system of public highways in New Mexico.'

"Also that the House has duly passed House Substitute for House Bill No. 142: 'An Act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 120: 'An Act to conserve and regulate the distribution of waters of New Mexico, to create the office of Territorial Engineer, to create a Board of Water Commissioners, and for other purposes.'

"Also that the House has duly passed House Substitute for House Bill No. 116: 'An Act providing for the registration of all births and deaths, and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 146: 'An Act providing appellate procedure in civil and criminal cases.'

"Also that the House has duly passed House Bill No. 168: 'An Act to amend Section 1, Chapter 104 of the Acts of the Thirty-sixth Legislative Assembly.'

"Also that the House has duly passed House Bill No. 222: 'An Act amendatory of an act entitled an act for the relief of the County of Torrance. Approved February 18th, 1907.'

"Also that the House has amended and duly passed House Bill No. 110: 'An Act limiting the sale without license of native liquors upon the premises where manufactured, and to amend Section 4137 of the Compiled Laws of New Mexico of 1897.'

"Also that the House has amended and duly passed House Bill No. 123: 'An Act to amend the laws relative to the practice of pharmacy in New Mexico.'

"Also that the House has duly passed House Bill No. 159: 'An Act to repeal Section 11, Chapter 32, of the Thirty-fifth Legislative Assembly.'

"Also that the House has duly passed House Bill No. 133: 'An Act to repeal Chapter 55 of the Laws of 1905.'

"Also that the House has duly passed House Substitute for House Bill No. 163: 'An Act providing for certain unpaid accounts in the several counties in New Mexico, and for other purposes.'

"Also that the House has amended and duly passed House Bill

No. 165: 'An Act for the settlement and adjustment of claims against public officers, and for other purposes.'

"Also that the House has duly passed House Bill No. 170: 'An Act regulating the practice of medicine in the Territory of New Mexico.'

"Also that the House has duly passed House Bill No. 147: 'An Act authorizing cities and towns to provide for the inspection of meat and milk.'

"Also that the House has duly passed House Bill No. 208: 'An Act establishing the law for the purpose to prevent discrimination of labor by companies and corporations doing business in New Mexico.'

"Also that the House has duly passed House Bill No. 193: 'An Act fixing the time for holding the terms of the District Court for the First Judicial District for the Territory of New Mexico.'

"Also that the House has duly passed House Bill No. 195: 'An Act to amend Section 3902 of the Compiled Laws of 1897.'

"Also that the House has amended and duly passed Council Substitute for Council Bill No. 11: 'An Act for the assessment and collection of taxes on sleeping cars, and repealing certain sections of the Compiled Laws of 1897.'"

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 13th, 1907.

"Mr. President:

"Your Committee on Private and Municipal Corporations, to whom has been referred House Bill No. 2: 'An Act to authorize incorporated cities, towns and villages, having a bona fide population of not less than one thousand persons, to issue bonds for sanitary and health purposes, the construction of sewers, water works and the improvement of streets,' has had the same under consideration, and I am directed to report the said House Bill No. 2 to the Council with the recommendation that it be passed.

"JACOBO CHAVES, Chairman."

Mr. Chaves moved that the report of the Committee on Private and Municipal Corporations on House Bill No. 2 be adopted, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 13th, 1907. .

“Mr. President:

“Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 43: ‘An Act for the benefit and support of indigent persons, and hospitals of the Territory of New Mexico,’ has had the same under consideration, and I am directed to report the said Council Bill No. 43 to the Council with the recommendation that it be passed.

“E. A. MIERA, Chairman.”

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 43 be adopted, which motion was seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 13th, 1907.

“Mr. President:

“Your Committee on Irrigation, to whom has been referred Council Joint Resolution No. 7: ‘Providing for a vote of thanks to F. H. Newell, Director of the Geological Survey, etc.,’ has had the same under consideration, and I am directed to report the said Resolution to the Council with the recommendation that it be passed.

“M. B. STOCKTON, Chairman.”

Mr. Martinez moved that the report of the Committee on Irrigation be adopted, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 13th, 1907.

“Mr. President:

“Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 22: ‘An Act in relation to marriages, to amend Section 1425 of the Compiled Laws of 1897,’ has had the same under consideration, and I am directed to report said original bill to the Council with the recommendation that it be not passed, but that Council Substitute for Council Bill No. 22 be passed.

“E. A. MIERA, Chairman.”

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 22 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 13th, 1907.

“Mr. President:

“Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 48, a substitute for House Bill No. 184: ‘An Act to prohibit gambling in the Territory of New Mexico,’ has had the same under consideration and I am directed to report the said Council Bill No. 48 to the Council with the recommendation that it be amended as follows: That after the word ‘after,’ in line 2 of Section 6, insert ‘January 1, 1908.’

“E. A. MIERA, Chairman.”

Mr. Duncan moved that the report of the Committee on Territorial Affairs be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 13th, 1907.

“Mr. President:

“Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 57: ‘An Act entitled an act to amend certain sections of an act to organize and equip a company of mounted police for the Territory of New Mexico,’ has had the same under consideration, and I am directed to report the said Council Bill No. 57 to the Council with the recommendation that it be amended as follows: That instead of ‘\$4,000.00’ in page 3, insert ‘\$2,800.00.’

“E. A. MIERA, Chairman.”

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 57 be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 13th, 1907.

“Mr. President:

“Your Committee on Territorial Affairs, to whom has been



referred House Bill No. 83: 'An Act entitled an act to amend Section 2402, Sub-Section 18, of the Compiled Laws of 1897,' has had the same under consideration and I am directed to report the said House Bill No. 83 to the Council with the recommendation that it be passed as amended.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Territorial Affairs on House Bill No. 83 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 13th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 79: 'An Act providing for the distribution to the several counties of this Territory entitled thereto, the income derived from forest reserves,' has had the same under consideration, and I am directed to report the said Council Bill No. 79 to the Council with the recommendation that it be passed.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 79 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 13th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 45: 'An Act relating to quo warranto, and for other purposes,' has had the same under consideration, and I am directed to report the said Council Bill No. 45 to the Council with the recommendation that it be amended as follows:

"'Amend Section 2 by striking out from the first line of said section the words 'the Supreme Court on the' and substitute in lieu thereof the word 'any,' and insert in the second line of said section after the word 'court' and before the word 'in' the words 'having jurisdiction.'

"'Amend Section 5 by adding at the end thereof, after the word 'ousted,' the following: 'And appeals from a judgment rendered as by this Act provided, may be taken to the Supreme Court as in

other cases; provided, however, no such appeal shall act as the supersedeas of the judgment of the trial court, nor shall any supersedeas of any such judgment be granted or allowed pending the prosecution of any such appeal,' and as amended that the same do pass.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 45 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 13th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 76: 'An Act to amend Section 3448 of the Compiled Laws of 1897,' has had the same under consideration, and I am directed to report the said Council Bill No. 76 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 76 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

A message from the Governor of New Mexico was announced and received.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 13th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred House Bill No. 126: 'An Act relative to exemption from jury service,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on House Bill No. 126 be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the report stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 104, by Mr. Martinez: "An Act relative to civil procedure."

Read in full first time.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 104 be read a second time in full for information, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a second time in full.

Mr. Martinez moved that the rules be further suspended and that Council Bill No. 104 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Martinez moved that Council Bill No. 104 do now pass, which motion was duly seconded by Mr. Cameron, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 104 was declared as having duly passed the Council.

Council Bill No. 105, by Mr. Miera: 'An Act entitled An Act to construct an addition to the present Capitol building, for the construction of an Executive Mansion, to purchase certain real estate and provide the necessary means therefor, and for other purposes.'

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 105 be read second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

Council Bill No. 106, by Mr. Miera: 'An Act to provide for the payment of expenses in new counties.'

Read a first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 106 be read a second time in full for information, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Dalies moved that the rules be further suspended and that

Council Bill No. 106 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Murray moved that the bill do now pass, which motion was duly seconded by Mr. Duncan, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 106 was declared as having duly passed the Council.

Council Bill No. 107, by Mr. Dalies: "A Bill providing for dry farming experiments and farmers institutions."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 107 be read a second time in full and referred to the Committee on Judiciary, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read a second time in full and ordered referred to the Committee on Judiciary.

Council Bill No. 108, by Mr. Dalies: "An Act entitled an act to Amend Section 255, Compiled Laws of 1897, relative to Territorial Depositories, approved February 21st, 1907."

Read first time by title.

Mr. Dalies moved that Council Bill No. 108 be read a second time in full and referred, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read a second time in full and ordered referred to the Committee on Finance.

Council Bill No. 109, by Mr. Dalies: "An Act relative to county teachers institute funds, and for other purposes."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 109 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Education.

Council Bill No. 110, by Mr. Murray: "An Act to amend Section 2, of Chapter 56, of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, entitled An Act for the better protection of game animals, birds and fish within the Territory of New Mexico."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 110 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

Bills on their third reading being in order the following were taken up for consideration:

House Bill No. 105: "An Act relative to the inspection of bees and creating the office of bee inspector."

Read second time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 105 be read a third time by title preparatory to its passage, seconded by Mr. Dalies, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Chaves moved that House Bill No. 105 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: Dalies. (1).

House Bill No. 105 was declared as having duly passed the Council.

House Substitute for Council Bill No. 49: "An Act to amend Section 48, of Chapter 79, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to reports of corporations."

Read second time by title.

Mr. Cameron moved that the rules be suspended and that House Substitute for Council Bill No. 49 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time in full preparatory to its passage.

Mr. Cameron moved that the rules be suspended and that House Substitute for Council Bill No. 49 be referred to the Committee on Judiciary, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried, and House Substitute for Council Bill No. 49 was ordered referred to the Committee on Judiciary.

Bills on their third reading being in order the following were taken up for consideration:

Amended House Bill No. 2: "An Act to authorize incorporated cities, towns and villages having a bona fide population of not less than one thousand persons, to issue bonds for sanitary and health

purposes, the construction of sewers, water works and the improvement of streets."

Read third time by title.

Mr. Cameron moved that Amended House Bill No. 2 do now pass, which motion was duly seconded by Mr. Richards, and upon call of the roll the following vote resulted.

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Amended House Bill No. 2 was declared as having duly passed the Council.

Council Bill No. 43: "An Act for the benefit and support of indigent persons and hospitals in the Territory of New Mexico," reported favorably to the Council by the Committee on Territorial Affairs, and the report of the Committee adopted.

Read third time by title.

Mr. Duncan moved that Council Bill No. 43 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 43 was declared as having duly passed the Council.

Council Substitute for Council Bill No. 22; reported to the Council by the Committee and report of the Committee adopted. "An Act in relation to marriage, to amend Section 1425 of the Compiled Laws of 1897."

Read first time in full.

Mr. Chaves moved that the rules be suspended and that Council Substitute for Council Bill No. 22 be read a second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Duncan moved that the rules be further suspended and that Council Substitute for Council Bill No. 22 be read a third time by title, preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Chaves moved that Council Substitute for Council Bill No. 22 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Miera, Stockton, Mr. President: (5).

Nays: Cameron, Dalies, Martinez, Murray, Richards, Sargent, Sulzer. (7).

Council Substitute for Council Bill No. 22 was declared as having failed to pass.

Mr. Cameron moved that the vote whereby Council Substitute for Council Bill No. 22 was defeated be reconsidered for the purpose of having the bill recommitted, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried, and the bill was declared as being before the Council.

Mr. Dalies moved that Council Substitute for Council Bill No. 22 be recommitted to the Committee on Judiciary, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and Council Substitute for Council Bill No. 22 was ordered recommitted to the Committee on Judiciary.

Mr. Duncan moved that the Council do now go into Executive Session, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried, and the Council went into Executive Session at 11:49 a. m.

Council called to order by the President at 12:10 p. m.

Mr. Cameron moved that the rules be suspended for the purpose of taking up Council Joint Resolution No. 7, so that it may be read a third time by title, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried, and Council Joint Resolution was declared as being before the Council.

Mr. Cameron moved that Council Joint Resolution be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

"Providing for a vote of thanks to F. H. Newell, Director of the Geological survey, etc." Read a third time by title preparatory to its passage.

Mr. Cameron moved that Council Joint Resolution No. 7 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Joint Resolution No. 7 was declared as having duly passed the Council.

Mr. Dalies moved that the Council do now adjourn until 10 a. m. tomorrow, which motion was duly seconded by Mr. Sargent,

was put to a vote and declared carried, and the Council thereupon stood adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FIFTY-THIRD DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 14th, 1907.  
Thursday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of yesterday's Journal be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the journal of yesterday's proceedings stood approved.

Introduction of petitions being in order the following were introduced:

Council Petition No. 14, presented by Mr. President on behalf of Mr. Duncan: "Protesting against reduction of passenger fares on railroads," was read and ordered referred to Mr. Sulzer.

Council Petition No. 15, presented by Mr. President on behalf of Mr. Duncan: "To prohibit licensing gambling," was read and ordered referred to the Committee on Territorial Affairs.

Reports of Standing Committees being in order the following were taken up for consideration:

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 14th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Bill No. 108: 'An Act to amend Section 255 of the Compiled



Laws of 1897,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 108 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 14th, 1907.

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, to whom has been referred Council Joint Resolution No. 6: 'Approving and endorsing the objects and purposes of the Coronado Memorial Association, and making an appropriation for the construction of a monument commemorative of the life and services of the great explorer Francisco Vasquez de Coronado,' has had the same under consideration and beg leave to report the same to the Council as correctly and properly engrossed.

"CARL A. DALIES, Chairman "

Mr. President announced that the report of the Committee on Enrolled and Engrossed Bills on Council Joint Resolution No. 6 as adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 14th, 1907.

"Mr. President:

"Your Committee on Roads and Highways, to whom has been referred Council Bill No. 96: 'An Act to amend Chapter 124 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, and for other purposes,' has had the same under consideration, and I am directed to report the said Bill to the Council with the recommendation that it be passed with the following amendment: 'Cut out the words 'from and after its passage,' and insert the words 'from and after January 1st, 1908' in Section 6 of said bill.'

"MALAQUIAS MARTINEZ, Chairman."

Mr. Martinez moved that the report of the Committee on Roads and Highways on Council Bill No. 96 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 14th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Substitute for House Bill No. 53: 'To regulate the practice of medicine in New Mexico and to establish a Board of Health and Medical Examiners,' has had the same under consideration, and I am directed to report the said House Substitute for House Bill No. 53 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on House Substitute for House Bill No. 53 be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried and the report stood adopted.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 14th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Substitute for Council Bill No. 49: 'An Act to amend Section 48, of Chapter 79, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to reports of corporations,' has had the same under consideration, and I am directed to report the said House Substitute for Council Bill No. 49 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on House Substitute for Council Bill No. 49 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 111, by Mr. Miera: "An Act for the relief of the different counties of the Territory with relation to delinquent taxes."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 111 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read second time in full.

Mr. Miera moved that the rules be further suspended and that Council Bill No. 111 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Miera moved that Council Bill No. 111 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 111, was declared as having duly passed the Council.

Council Bill No. 112, by Mr. Chaves: "An Act to amend Section 2, of Chapter 7, of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico relative to El Camino Real."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that Council Bill No. 112 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read second time in full.

Mr. Chaves moved that the rules be further suspended and that Council Bill No. 112 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Chaves moved that the bill do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 112 was declared as having duly passed the Council.

Council Bill No. 113, by Mr. Richards: "An Act entitled an act to facilitate the collection of poll and road tax by requiring the employer of persons liable therefor to pay such tax and deduct the amount thereof from the wages of such employees."

Read first time by title.

Mr. Richards moved that the rules be suspended and that Council Bill No. 113 be read a second time by title and referred, which

motion was duly seconded by Mr. Cameron, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Railroad Employes, Labor and Commerce.

Council Bill No. 114, by Mr. Murray, by request: "An Act for the protection of wild pigeons within the Territory of New Mexico."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 114 be read a second time by title and referred, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

Council Bill No. 115, by Mr. Murray: "An Act to refund the Territorial Institutions moneys used for expenses in selection and location of public lands, and providing for the payment of future expenses in the selection and location of public lands."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 115 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

Council Bill No. 116, by Mr. Cameron: "An Act creating a commerce commission to secure reasonable and just freight rates in the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 116 be read a second time by title and considered translated and printed, and that the same be referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Cameron moved that the rules be further suspended and that Council Bill No. 116 be referred to the Committee on Education, which motion was duly seconded by Mr. Murray, was put to a vote and failed to carry, and Council Bill No. 116 was ordered referred to the Committee on Railroads, and that the translation and printing of same be dispensed with.

A message from the Honorable House of Representatives was announced and received as follows:

"Mr. President:

"I have been instructed by the Honorable House of Representatives to inform this Honorable Body that the House has duly

passed Council Bill No. 59: 'An Act to amend Section 10, of Article 4 of an act entitled an act to incorporate the Town of Silver City in Grant County.'

"Also that the House has duly passed Council Bill No. 70: 'An Act to amend Section 1, of Chapter 9, of the Laws of the Thirty-fourth Legislative Assembly relating to Railroads.'

"Also that the House has duly passed Council Bill No. 106: 'An Act to provide for the payment of expenses in new counties.'

"Also that the House has duly passed House Bill No. 18: 'An Act to provide for the paving of the public Plaza and certain streets in the City of Santa Fe with vitrified brick by means of convict labor.'

"Also that the House has duly passed House Bill No. 27: 'An Act providing for the printing of the rules of the Supreme Court and making an appropriation therefor.'

"Also that the House has duly passed House Substitute for House Bill No. 111: 'An Act relative to the storing of dynamite and for other purposes.'

"Also that the House has duly passed House Bill No. 117 with amendment: 'An Act to revive certain sections of the Compiled Laws of 1897, relative to the incorporation of community land grants.'

"Also that the House has duly passed House Bill No. 121: 'An Act to amend Section 2, Chapter 51, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 13th, 1905, relative to the dove and quail season.'

"Also that the House has duly passed House Bill No. 127: 'An Act to amend Section 137 of the Compiled Laws of 1897, relating to the publication of estray notices.'

"Also that the House has duly passed House Bill No. 125: 'An Act amending Chapter 101 of the Acts of the Legislative Assembly of the Territory of New Mexico, of 1905, relating to the National Guard of New Mexico.'

"Also that the House has duly passed House Bill No. 129: 'An Act relating to sidewalks in cities and towns.'

"Also that the House has duly passed House Bill No. 130: 'An Act in reference to artesian wells.'

"Also that the House has duly passed House Bill No. 131: 'An Act relative to the Manzano Grant in the Territory of New Mexico.'

"Also that the House amended and duly passed House Bill No. 134: 'An Act relating to community land grants.'

"Also that the House has duly passed House Bill No. 137: 'An

Act to repeal Chapter 8 of the Session Laws of 1905, relative to the expense of boarding prisoners, and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 143: 'An Act to amend the first subdivision of Section 4141 of the Compiled Laws of 1897 relative to licenses imposed on peddlers.'

"Also that the House has duly passed House Bill No. 171: 'An Act to amend Chapter 51 of the Statutes, approved March 12th, 1903, entitled 'An Act granting certain lands in the City of Santa Fe, Territory of New Mexico, to the Woman's Board of Trade and Library Association, as a site for a free public library building.'

"Also that the House has duly passed House Bill No. 173: 'An Act creating three Armory Boards of Control, and providing for the construction of armories in the Cities of Santa Fe, Las Cruces and Silver City.'

"Also that the House has duly passed House Bill No. 175: 'An Act to repeal Section 16, of Chapter 80, of the Acts of the Thirty-third Legislative Assembly of New Mexico, entitled 'An Act to repeal, amend and harmonize certain sections of the Compiled Laws of 1897, in accordance with the recommendation of the Solicitor General.'

"Also that the House has duly passed House Bill No. 178: 'An Act to abolish the office of Public Printer and for other purposes.'

"Also that the House has amended and duly passed House Bill No. 188: 'An Act to repeal Chapter 6 of the Session Laws of the Thirty-sixth Legislative Assembly, and for other purposes.'

"Also that the House has duly passed House Bill No. 225: 'An Act appropriating additional funds for the improvement of the Rio Grande in Rio Arriba County.'

"Also that the House has duly passed House Bill No. 228: 'An Act granting and donating to the Town of Tucumcari a portion of School section 36, in township 11 north, range 30 east in Quay County, New Mexico, for cemetery purposes, and directing the Commissioner of Public Lands to make, execute and deliver to the said Town of Tucumcari a good deed for said property,' and respectfully ask the concurrence of this Honorable Body in said measures."

Mr. Stockton moved that the rules of the Council be suspended for the immediate taking up of House Substitute for House Bill No. 53, out of its regular order, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the rules were suspended and House Substitute for House Bill No. 53, was

before the Council on its third reading. House Substitute for House Bill No. 53: "An Act to regulate the practice of Medicine in New Mexico, and to establish a Board of Health and Medical Examiners."

Read third time by title.

Mr. Stockton moved that the bill do now pass, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: Duncan. (1).

House Substitute for House Bill No. 53 was declared as having duly passed the Council.

Mr. Dalies called to the Chair and Mr. Spiess takes the floor.

Mr. Spiess moved that the rules of the Council be suspended for the taking up of House Bill No. 177 out of its regular order for the immediate consideration of same, which motion was duly seconded by Mr. Martinez, was put to a vote and declared suspended and House Bill No. 177 was before the Council for consideration.

House Bill No. 177: "An Act to amend Section 11, Chapter 7, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved February 10th, 1905, relative to the construction of a system of public highways in New Mexico."

Read first time in full.

Mr. Spiess moved that the rules be suspended and that House Bill No. 177 be read a second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Spiess moved that the rules be further suspended and that House Bill No. 177 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Spiess moved that House Bill No. 177 do now pass, which motion was duly seconded by Mr. Martinez and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Stockton, Sulzer, Mr. President. (11).

Nays: Sargent. (1).

House Bill No. 177 was declared as having duly passed the Council.

Mr. Spiess moved that the rules be suspended and that House

Bill No. 130 be taken up out of its regular order, and considered, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the rules were declared suspended and House Bill 130 before the Council.

House Bill No. 130: "An Act to repeal Chapter 17 of the Thirty-sixth Legislative Assembly, being an act to regulate the use of artesian wells, and to prevent the waste of subterranean flows of water, and for other purposes, approved February 22nd, 1905, and to provide for inspection, regulation and use of artesian wells, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 130 be read a second time in full, which motion was duly seconded by Mr. Spiess, was put to a vote and declared carried.

Read second time by title.

Mr. Cameron moved that the rules be further suspended and that House Bill No. 130 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Cameron moved that House Bill No. 130 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 130 was declared as having duly passed the Council.

Mr. Spiess moved that the rules of the Council be suspended for the taking up out of its regular order, and consideration of House Bill No. 83, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 83 was declared before the Council.

House Bill No. 83, reported to the Council yesterday by the Committee on Territorial Affairs, with recommendation that it be passed with amendment, and report of the Committee adopted.

Amendments read. Mr. Spiess moved that the amendments offered by the Committee on Territorial Affairs to House Bill No. 83 be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the amendments stood adopted.



Amended House Bill No. 83: "An Act to amend Section 2402, Sub-Section 18 of the Compiled Laws of 1897."

Read third time by title.

Mr. Spiess moved that House Bill No. 83 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 83 was declared as having duly passed the Council.

Mr. Spiess took the Chair and the regular order of business was taken up.

Bills on their third reading being in order the following were taken up for consideration:

Council Bill No. 108: "An Act to amend an act entitled an act to amend Section 255 of the Compiled Laws of 1897 relative to Territorial Depositories, approved February 21st, 1907."

Read third time by title.

Mr. Sargent moved that Council Bill No. 108 do now pass, which was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 108 was declared as having duly passed the Council.

Council Bill No. 96: "An Act to amend Chapter 124 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, and for other purposes," reported by the Committee on Roads and Highways with slight amendments, and report of the Committee adopted.

Mr. Martinez moved that the amendments offered by the Committee on Roads and Highways to Council Bill No. 96, be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the amendments stood adopted.

Read third time by title.

Mr. Martinez moved that Council Bill No. 96 do now pass, which motion was duly seconded by Mr. Duncan, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 96 was declared as having duly passed the Council.

House Substitute for Council Bill No. 49: "An Act to amend Section 48, Chapter 79, Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to reports of corporations."

Mr. Dalies moved that House Substitute for Council Bill No. 49 do now pass, which motion was duly seconded by Mr. Duncan. and upon call of the roll the following vote resulted, to-wit:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Substitute for Council Bill No. 49 was declared as having duly passed the Council.

Mr. Dalies moved that the Council do now go into recess until 3:30 p. m., which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Council went into recess until 3:30 p. m.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 3:30 p. m.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. President announced having signed House Bill No. 177: "An Act to amend Section 11, Chapter 7, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved February 10th, 1905, relative to the construction of a system of public highways in New Mexico."

Mr. Sargent moved that the rules be suspended for the purpose of taking up out of its regular order House Bill No. 225, for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules were declared suspended and House Bill No. 225 before the Council.

House Bill No. 225: "An Act entitled an act appropriating additional funds for the improvement of the Rio Grande in Rio Arriba County."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that House Bill No. 225 be read a second time in full, which motion was

duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Sargent moved that the rules be further suspended and that House Bill No. 225 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Sargent moved that the bill do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 225 was declared as having duly passed the Council.

Mr. Dalies moved that the rules be suspended for the taking up of House Bill No. 131 out of its regular order for immediate consideration, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried, and the rules were declared suspended and House Bill No. 131 was before the Council.

House Bill No. 131: "An Act relative to the Manzano Grant in the Territory of New Mexico."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 131 be read a second time in full, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried.

Read second time in full.

Mr. Dalies moved that the rules be further suspended and that House Bill No. 131 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Dalies moved that the bill do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 131 was declared as having duly passed the Council.

Mr. Duncan moved that the rules be suspended for the taking up of House Bill No. 134 out of its regular order for consideration,

which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the rules are declared suspended and House Bill No. 134 before the Council.

House Bill No. 134: "An Act relating to Community Land Grants."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Bill No. 134 be read a second time by title, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried.

Read second time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 134 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Chaves moved that House Bill No. 134 do now pass which motion was duly seconded by Mr. Duncan, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Meira, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 134 was declared as having duly passed the Council.

Mr. Dalies moved that the rules be suspended and that House Bill No. 159 be taken up out of its regular order, for consideration, which motion not having a second was declared lost.

Reports of Standing Committees being in order the following were taken up for consideration:

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 14th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Bill No. 83: 'An Act providing funds to pay outstanding claims of judges and clerks of election,' has had the same under consideration and I am directed to report the said bill to the Council with the recommendation that it be passed.

"W. G. SARGENT, Chairman."

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 83, be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 14th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred Council Bill No. 80: ‘An Act entitled an act defining the duties of the Treasurer of the Territory of New Mexico in reference to issuance, sale and delivery of certain bonds authorized to be issued by Chapter 6, 76 and 89 of the Acts of the Thirty-seventh Legislative Assembly of the Territory of New Mexico, and for other purposes,’ has had the same under consideration, and I am directed to report the said Council Bill No. 80 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 80 be adopted, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 14th, 1907.

“Mr. President:

“Your Committee on County and County Lines, to whom has been referred House Bill No. 61, being ‘An Act entitled an act in reference to the boundaries of the County of Quay,’ has had the same under consideration, and I am directed to report the said House Bill No. 61 to the Council with the recommendation that it be amended, by striking out all of Section 5 of said bill and inserting in lieu thereof and as Section 5 of said bill the following: ‘Section 5. The Board of County Commissioners of said County of Quay is hereby authorized and directed to issue and deliver to said County of Union its negotiable bonds in the sum of fifteen thousand dollars bearing date of January 2nd, 1908, and bearing interest at the rate of 6 per cent per annum payable semi-annually, which said bonds shall be paid twenty years from date. The delivery of said bonds shall be full settlement and adjustment of all indebtedness between said Counties of Union and Quay. The negotiable bonds provided for herein shall be by the Clerk of the Board of County Commissioners of said Quay County transmitted to the Clerk of the Board of County Commissioners of Union County on or before January 15th, 1908,’ and as so amended it do pass.

“CARL A. DALIES, Chairman.”

Mr. Duncan moved that the report of the Committee on County and County Lines on House Bill No. 61 be adopted, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the report stood adopted.

Introduction of bills being in order the following were introduced:

Council Bill No. 117, by Mr. President, be request: "An Act to amend Chapter 52 of the Acts of the Legislative Assembly of the Territory of New Mexico for the year 1903, entitled an act relating to trust companies."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 117 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

Council Bill No. 118, by Mr. Miera: "An act to amend Section 2808 of the Compiled Laws of 1897, providing for the appointment of police judges."

Read first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 118 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

Council Bill No. 119, by Mr. President: "An Act to abolish the office of Territorial Game and Fish Warden and provide for appointment of game wardens by County Commissioners, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 119 be read a second time by title and referred, which motion was duly seconded by Mr. Chavez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

Bills on their third reading being in order the following were taken up for consideration:

Council Bill No. 83: "An Act providing funds to pay outstanding claims of judges and clerks of election."

Read third time by title.

Mr. Murray moved that Council Bill No. 83 do now pass, which

motion was duly seconded by Mr. Sargent, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Meira, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 83 was declared as having duly passed the Council.

Council Bill No. 80: "An Act entitled an act defining the duties of the Treasurer of New Mexico in reference to issuing sale and delivery of certain bonds authorized to be issued by Chapter 6, 76 and 89 of the Acts of the Thirty-seventh Legislative Assembly of the Territory of New Mexico, and for other purposes."

Read third time by title.

Mr. Cameron moved that Council Bill No. 80 do now pass, which motion was duly seconded by Mr. Duncan, and upon the call of the roll of the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Meira, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 80 was declared as having duly passed the Council.

Amended House Bill No. 61: "An Act entitled an act in reference to the boundaries of the County of Quay," reported to the Council by the Committee on County and County Lines favorably, with amendments, and report of the Committee adopted.

Mr. Dalies moved that the amendments be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the amendments offered by the Committee on County and County Lines on Amended House Bill No. 61 stood adopted.

Read third time by title.

Mr. Dalies moved that Amended House Bill No. 61 do now pass, which motion was duly seconded by Mr. Duncan, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Meira, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Amended House Bill No. 61 was declared as having duly passed the Council.

Business on the President's table being in order the following were taken up for consideration:

House Substitute for House Bill No. 142: "An Act providing

funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that House Substitute for House Bill No. 142 be read a second time by title, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a second time by title.

Mr. Duncan moved that House Substitute for House Bill No. 142 be referred to the Committee on Finance.

Mr. Dalies moved to amend the motion put by Mr. Duncan, and that House Substitute for House Bill No. 142 be referred to the Committee of the Whole and not to the Committee on Finance, which motion was duly seconded by Mr. Martinez, was put to a vote and the motion was declared lost.

Mr. Duncan moved that House Substitute for House Bill No. 142 be referred to the Committee on Finance, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and House Substitute for House Bill No. 142 was ordered referred to the Committee on Finance.

A message from the Governor of New Mexico was announced and received.

Mr. Miera moved that the rules of the Council be suspended and that Council Bill No. 57 be taken out of its regular order and considered, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the rules are declared suspended and Council Bill No. 57 before the Council.

Council Bill No. 57 reported to the Council by the Committee with amendments, and report of the Committee adopted. Mr. Duncan moved that the amendments offered by the Committee on Council Bill No. 57 be adopted, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the amendments stood adopted.

Mr. Miera moved that Council Bill No. 57 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. "An Act to organize and equip a company of Mounted Police for the Territory of New Mexico, approved February 20th, 1905."

Read a third time preparatory to its passage.

Mr. Miera moved that Council Bill No. 57, as amended, do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Meira,



Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 57 was declared as having duly passed the Council.

Mr. Miera moved that the rules of the Council be suspended for the taking up of Council Substitute for House Bill No. 184 out of its regular order, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the rules of the Council were declared suspended and Council Substitute for House Bill No. 184 before the Council.

Report of the Committee was that Council Bill No. 48, with amendments, be substituted for House Bill No. 184, report of the Committee was adopted and it came up under the order of unfinished business, the bill having been reported yesterday by the Committee.

Mr. Duncan moved that the amendments offered by the Committee on Council Substitute for House Bill No. 184 be adopted, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the amendments stood adopted.

Council Substitute for House Bill No. 184: "An Act to prohibit gambling in the Territory of New Mexico."

Read third time by title.

Mr. Miera moved that Council Substitute for House Bill No. 184 do now pass, which motion was duly seconded by Mr. Sargent, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Meira, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Substitute for House Bill No. 184 was declared as having duly passed the Council.

The title of Council Substitute for House Bill No. 184 being inadequate and confusing the Clerk was granted leave by the Council to correct the title to the bill.

Mr. Duncan moved that House Bill No. 184 be laid on the table indefinitely, which motion was duly seconded by Mr. Stockton, was put to a vote and declared carried, and the bill was ordered laid on the table indefinitely.

House Bill No. 120: "An Act to conserve and regulate the use and distribution of the waters of New Mexico, to create the office of Territorial Engineer, to create a board of water commissioners, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 120 be read a second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Dalies moved that House Bill No. 120 be referred to the Committee on Judiciary, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and House Bill No. 120 is ordered referred to the Committee on Judiciary.

House Substitute for House Bill No. 116: "An Act providing for the registration of births and deaths, and for other purposes."

Read first time by title.

House Bill No. 146: "An Act providing appellate procedure in civil and criminal cases."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 146 be read a second time by title, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a second time by title.

Mr. Cameron moved that the rules be further suspended and that House Bill No. 146 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. President announced House Bill No. 146 as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Meira, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 146 was declared as having duly passed the Council.

House Bill No. 168: "An Act to amend Section 1, of Chapter 104, of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, entitled an act to be entitled an act to regulate for the appropriation of waters for mining, milling, agricultural and other useful purposes, approved March 16th, 1905."

Read first time by title.

House Bill No. 22: "An Act amendatory of an act entitled an act for the relief of the County of Torrance, approved February 18th, 1907."

Read first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 22 be read a second time in full, which motion was duly

seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Dalies moved that House Bill No. 22 be referred to the Committee on Finance, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and House Bill No. 22 was ordered referred to the Committee on Finance.

House Bill No. 110: "An Act limiting the sale, without license, of native liquors upon the premises where manufactured, and to amend Section 4137 of the Compiled Laws of 1897."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 110 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Cameron moved that the rules be further suspended and that House Bill No. 110 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Murray, put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. President announced that the bill was on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 110 was declared as having duly passed.

House Bill No. 123: "An Act to amend the laws relative to the practice of pharmacy in New Mexico."

Read a first time by title.

House Bill No. 159: "An Act to repeal Section 11 of Chapter 32 of the Thirty-fifth Legislative Assembly."

Read a first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 159 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Bill No. 133: "An Act to repeal Chapter 55 of the Laws of 1905."

Read a first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 133 be read a second time by title and referred, which motion was duly seconded by Mr. Richards, put to a vote and

declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Substitute for House Bill No. 163: "An Act providing for certain unpaid accounts in the several Counties of New Mexico, and for other purposes."

Read a first time by title.

Mr. Dalies moved that the rules be suspended and that House Substitute for House Bill No. 163 be read a second time by title and referred, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Bill No. 165: "An Act for the settlement and adjustment of claims against public officers, and for other purposes."

Read a first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 165 be read a second time by title and referred, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

House Bill No. 170: "An Act regulating the practice of medicine in the Territory of New Mexico."

Read a first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 170 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time by title and ordered referred to the Committee on Territorial Affairs.

House Bill No. 147: "An Act authorizing cities and towns to provide for the inspection of meat and milk."

Read a first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 147 be read a second time by title and referred, which motion was duly seconded by Mr. Murray, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Municipal and Private Corporations.

Mr. President announced that House Bills 163 and 165, which had been referred to the Committee on Finance, on account of containing clauses that should be considered by the Committee on Judiciary, would be taken out of the hands of the Committee on Finance and referred to the Committee on Judiciary.

House Bill No. 208: "An Act establishing a law for the pur-

pose to prevent discrimination of labor by companies and corporations doing business in this Territory."

Read a first time by title.

Mr. Dalies moved that the rules be suspended and that House Bill No. 208 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Railroads.

House Bill No. 193: "An Act fixing the time for holding the terms of the District Court for the First Judicial District of the Territory of New Mexico."

Read a first time by title.

Mr. Martinez moved that the rules be suspended and that House Bill No. 193 be read a second time in full, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried. Read a second time in full.

Mr. Martinez moved that the rules be further suspended and that House Bill No. 193 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. President announced House Bill No. 193 as being on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 193 was declared as having duly passed.

House Bill No. 18: "An Act to provide for the paving of the public plaza and certain streets in the City of Santa Fe with vitrified brick, by means of convict labor."

Read a first time by title.

Mr. Miera moved that the rules be suspended and that House Bill No. 18 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

House Bill No. 27: "An Act providing for the printing of the rules of the Supreme Court, and making an appropriation therefor."

Read a first time by title.

Mr. Richards moved that the rules be suspended and that House Bill No. 27 be read a second time by title and referred, which

motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

House Substitute for House Bill No. 111: "An Act relative to the storing of dynamite, and for other purposes."

Read a first time by title.

Mr. Richards moved that the rules be suspended and that House Substitute for House Bill No. 111 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Territorial Affairs.

The President announced having signed:

House Bill No. 167: "An Act to amend House Bill No. 95, entitled 'An Act with reference to the sale of intoxicating liquors on trains,' of the Acts of the Thirty-seventh Legislative Assembly of New Mexico."

House Bill No. 124: "An Act to amend Section 2355 of the Compiled Laws of 1897."

House Bill No. 113: "An Act providing for the sprinkling of streets in unincorporated towns and assessing the expense thereof against the owners of the property abutting upon said streets."

House Bill No. 54: "An Act defining the crime of barratry and prescribing the penalty therefor."

House Bill No. 85: "An Act to punish blackmail and for other purposes."

House Bill No. 104: "An Act to amend Chapter 81 of the Acts of the Thirty-fourth Legislative Assembly, being an act entitled 'An Act to provide a method of procedure in the administration of estates of deceased persons, and to define the duties of administrators and executors, and providing a method of appeal from probate courts to district courts, and for other purposes,' approved March 21st, 1901."

House Bill No. 162: "An Act relating to the sale of lands in certain cases."

Mr. Duncan moved that the Council do now adjourn, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried, and the Council thereupon stood adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

JOURNAL OF THE COUNCIL,  
**FIFTY-FOURTH DAY.**

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MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 15th, 1907,  
Friday, 10 o'clock.

Council met pursuant to adjournment, called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Chaves moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Mr. Cameron moved that the vote by which House Bill No. 146 was passed be reconsidered, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the vote whereby House Bill No. 146 was passed at yesterday's Session was declared reconsidered. Mr. Cameron moved that House Bill No. 146 be now referred to the Committee on Judiciary, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and House Bill No. 146 was ordered referred to the Committee on Judiciary.

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, to whom has been referred Council Bill No. 59: 'An Act to amend Section 10, Article 4, of an act entitled an act to incorporate the town of Silver City, in Grant County.'

"Also Council Bill No. 70: 'An Act to amend Section 1 of Chapter 9 of the Laws of the Thirty-fourth Legislative Assembly, relating to railroads.'

"Also Council Bill No. 106: 'An Act to provide for the payment of expenses in new counties.'

"Has had the same under consideration, and I am directed to report the same to the Council as correctly and properly engrossed."

"CARL A. DALIES, Chairman."

The President announced the report of the Committee on Enrolled and Engrossed Bills as adopted.

Mr. Duncan moved that the Council do now adjourn until Monday afternoon at 3 o'clock, which motion was duly seconded by Mr. Miera. Mr. Dalies moved to amend the motion of Mr. Duncan, and made the motion that the Council go into recess until 3 o'clock this afternoon, which motion was duly seconded by Mr. Cameron, and upon call of the roll the following vote resulted:

Ayes: Cameron, Dalies, Martinez and Mr. President. (4).

Nays: Chaves, Duncan, Miera, Murray, Richards, Sargent, Stockton and Sulzer. (8).

The motion was declared lost.

Mr. Dalies moved to further amend Mr. Duncan's motion, that when this Council do now adjourn that it adjourn until 10:30 o'clock tomorrow morning, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Dalies, Martinez, Murray, Sulzer and Mr. President. (6).

Nays: Chaves, Duncan, Miera, Richards, Sargent, Stockton. (6).

The motion was declared lost.

Mr. Dalies moved to further amend Mr. Duncan's motion, that when this Council do adjourn that it adjourn until 4 o'clock Saturday afternoon, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Dalies, Martinez, Murray, Richards and Mr. President. (6.)

Nays: Chaves, Duncan, Miera, Sargent, Stockton, Sulzer. (6).

The motion was declared lost.

Mr. Dalies moved to further amend Mr. Duncan's motion, that when this Council do adjourn it adjourn until 8 p. m. Saturday, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Dalies, Martinez, Murray, Richards and Mr. President. (6).

Nays: Chaves, Duncan, Miera, Sargent, Stockton, Sulzer. (6).

The motion was declared lost.

Mr. Dalies moved that the Council do now adjourn, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Dalies, Martinez, Murray, Richards and Mr. President. (6).



Nays: Chaves, Duncan, Miera, Sargent, Stockton, Sulzer. (6).  
The motion was declared lost.

Mr. Duncan moved that the Council do now adjourn until 2:30 p. m. Monday, which motion was duly seconded by Mr. Miera, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Miera, Sargent, Stockton, Sulzer. (6).

Nays: Cameron, Dalies, Martinez, Murray, Richards and Mr. President. (6).

The motion was declared lost.

The regular order of business was then announced.

Reports of Standing Committees being in order the following were taken up for consideration:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 15th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred Council Bill No. 100: ‘An Act to prohibit the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint, association, co-partnership or individual,’ had had the same under consideration, and I am directed to report the said Council Bill No. 100 to the Council with the recommendation that it be amended by striking out of line 13 of Section 1 of the bill the word ‘felony,’ and substituting therefor the words ‘criminal offense,’ and by striking out all the words of Section 1 after the word ‘imprisoned’ in the 14th line and substituting therefor the words ‘punished by a fine of not less than one hundred dollars nor more than five thousand dollars, or by imprisonment in the County Jail or Territorial Penitentiary not more than one year, or both such fine and imprisonment in the discretion of the court trying the case,’ and that it be passed as amended.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on Council Bill No. 100 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

Message from the Honorable House of Representatives was announced and received, as follows:

“Mr. President:

“I have been instructed by the Honorable House of Representatives to inform this Honorable Body that the House has amended

and duly passed Council Bill No. 63: 'An Act in relation to property rights of husband and wife.'

"Also that the House has duly passed House Joint Memorial No. 2: 'Relative to the grazing of sheep on forest reserves.'

"Also that the House has passed House Joint Resolution No. 9: 'Relative to the Salton Sea.'

"Also that the House has duly passed House Substitute for House Bill No. 47: 'An Act to provide for the revision of the Laws of the Territory of New Mexico.'

"Also that the House has duly passed House Bill No. 8: 'An Act to fix the salaries of Probate Judges.'

"Also that the House has passed with amendments House Bill No. 135: 'An Act relating to Insurance Companies.'

"Also that the House has passed with amendments House Bill No. 144: 'An Act providing for a fund for disabled firemen, their widows and orphans and for other purposes.'

"Also that the House has duly passed House Bill No. 149: 'An Act providing for sidewalks on the east and south sides of the Capital Grounds.'

"Also that the House has duly passed House Bill No. 161: 'An Act to provide for the leasing, sale, etc., of lands of New Mexico.'

"Also that the House has duly passed House Bill No. 190: 'An Act to regulate logging, and prescribing the rights to the use of streams for floating logs, poles, timber and lumber therein, and for other purposes.'

"Also that the House has passed House Bill No. 200: 'An Act to amend Section 9 of Chapter 2 of the Acts of the Thirty-fifth Legislative Assembly.'

"Also that the House has duly passed House Bill No. 266: 'An Act to enable the Board of County Commissioners of the County of Colfax to dispose of certain county property.'

"And respectfully asks the concurrence of this Honorable Body thereto."

Mr. Duncan moved that the rules be suspended and that House Bill No. 190 be taken out of its regular order and considered, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and the rules were suspended and House Bill No. 190 before the Council.

House Bill No. 190: "An Act to regulate logging, and prescribing the rights to the use of streams for floating logs, poles, timber and lumber therein, and for other purposes."

Read a first time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 190 be read a second time in full, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time in full.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 190 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced House Bill No. 190 on its passage, and upon call of the roll the following vote resulted:

Ayes: Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

(Mr. Cameron requested to be and was excused from voting.)

Nays: None.

House Bill No. 190 was declared as having duly passed.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., March 15th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 159: ‘An Act to repeal Section 11, Chapter 32, of the Thirty-fifth Legislative Assembly,’ has had the same under consideration and I am directed to report the said House Bill No. 159 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 159 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

Mr. Dalies moved that the rules be suspended for the purpose of having House Bill No. 159 read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the rules of the Council were declared suspended and House Bill No. 159 was before the Council.

House Bill No. 159: “An Act to repeal Section 11, Chapter 32, of the Thirty-fifth Assembly.”

Read a third time by title preparatory to its passage.

Mr. Dalies moved that House Bill No. 159 do now pass, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera,

Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).  
Nays: None.

House Bill No. 159 was declared as having duly passed.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 63 be taken up out of its regular order and that the amendments to same offered by the House be considered, which motion was duly seconded by Mr. Richards, put to a vote and declared carried, and the rules were declared suspended and Council Bill No. 63 before the Council.

Amendments offered by the House to Council Bill No. 63:  
"Amend Council Bill No. 63 by striking out from Section 31 as numbered in the original bill at the end of line 2 of said section, the word and figures 'Sections 23,' and inserting in lieu thereof the word 'section,' and by striking out the word 'and' at the beginning of line 3 of said section.

"Amend said Original Bill No. 63 by striking out Sections 11 and 12 thereof. Amend said Council Bill by striking out Council Amendments to said Original Bill designated as Section 36.

"Further amend said Council Bill, together with its amendments so as to properly number the sections thereof, in view of the striking out of Sections 11 and 12 of said Original Bill and said Council amendment thereto designated as Section 36."

Mr. Cameron moved that the Council do concur with the House in the amendments to Council Bill No. 63, which motion was duly seconded by Mr. Stockton, put to a vote and declared carried, and the amendments stood concurred in.

Mr. Miera moved that the rules be suspended and that House Joint Resolution No. 6 be taken up out of its regular order, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the rules were declared suspended and House Joint Resolution before the Council.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 15th, 1907.

"Mr. President:

"Your Committee on Finance, to whom has been referred House Joint Resolution No. 6, in regard to the disposition of the Old Palace, has had the same under consideration, and I am directed to report the said Resolution to the Council with the recommendation that it be passed.

"W. G. SARGENT, Chairman."

Mr. Miera moved that the report of the Committee on Finance

on House Joint Resolution No. 6 be adopted, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried, and the report stood adopted. Mr. Miera moved that the rules be further suspended and that House Joint Resolution No. 6 be read a second time in full, which motion was duly seconded by Mr. Sargent, put to a vote and declared carried. Read a second time in full.

Mr. Miera moved that the rules be further suspended and that House Joint Resolution No. 6 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage. The President announced the bill on its passage and on call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Joint Resolution No. 6 was declared as having duly passed the Council.

Mr. Duncan moved that the rules be suspended and that House Bill No. 188 be taken up out of its regular order, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the rules were declared suspended and House Bill No. 188 before the Council.

House Bill No. 188: "An Act to repeal Chapter 6 of the Session Laws of the Thirty-sixth Legislative Assembly, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 188 be read a second time in full, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a second time in full.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 188 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage. The president announced the bill on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 188 was declared as having duly passed the Council.

Mr. Sargent moved that the rules be suspended for the immediate taking up of Council Bill No. 115 out of its regular order, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried, and the rules were declared suspended and Council Bill No. 115 before the Council.

Council Bill No. 115 reported by the Committee on Finance:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 15th, 1907.

“Mr. President:

“Your Committee on Finance, to whom has been referred Council Bill No. 115: ‘An Act to refund to Territorial Institutions moneys used for expenses in selecting and locating of public lands,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

“W. G. SARGENT, Chairman.”

Mr. Sargent moved that the report of the Committee on Finance on Council Bill No. 115 be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the report stood adopted.

Mr. Sargent moved that the rules be further suspended and that Council Bill No. 115 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time in full preparatory to its passage. The President announced the bill on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 115 was declared as having duly passed the Council.

Mr. Dalies moved that the rules be suspended for the taking up of House Bill No. 178 out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules were declared suspended and House Bill No. 178 before the Council.

House Bill No. 178: “An Act to abolish the office of Public Printer, and for other purposes.”

Read first time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 178 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote

and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

The regular order of business was then announced, and bills on their third reading being in order the following were taken up:

Council Bill No. 100, reported back to the Council with amendments by the Committee on Judiciary, report of the Committee adopted, and the amendments were before the Council.

Mr. Cameron moved that the amendments offered by the Committee on Judiciary on Council Bill No. 100 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendments stood adopted.

Council Bill No. 100: "An Act to prohibit the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint stock association, copartnership or individual."

Read third time by title.

The President announced the Bill on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer. Mr. President. (12).

Nays: None.

Council Bill No. 100 was declared as having duly passed the Council.

Mr. Stockton moved that the rules be suspended and that House Bill No. 200 be taken out of its regular order and considered, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules were declared suspended and House Bill No. 200 before the Council.

House Bill No. 200: "An Act to amend Section 9, of Chapter 2, of the Acts of the Thirty-fifth Legislative Assembly."

Read first time by title.

Mr. Stockton moved that the rules be further suspended and that House Bill No. 200 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Stockton moved that the rules be further suspended and that House Bill No. 200 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

• Mr. President announced the bill as being on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera,

Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 200 was declared as having duly passed the Council.

Mr. Murray moved that the rules be suspended and that Council Bill No. 76 be taken out of its regular order for consideration, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the rules were declared suspended and Council Bill No. 76 before the Council.

Council Bill No. 76, reported favorably to the Council by the Committee, on the 13th, and report of the Committee adopted, and stood in the order of unfinished business.

Council Bill No. 76: "An Act to amend Section 3448, Compiled Laws of 1897."

Read a third time by title, and then read in full for information.

The President announced the Bill as being on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 76 was declared as having duly passed the Council.

Mr. Sulzer moved that the Council do now go into recess until 2:30 p. m., which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Martinez, Murray, Richards, Sulzer, Mr. President. (8).

Nays: Duncan, Miera, Sargent, Stockton. (4).

The Council was declared to stand in recess until 2:30 p. m.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 2:30 p. m.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The President announced having signed the following:

"House Substitute for House Bill No. 49: 'An Act to amend Section 48, of Chapter 79, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 15th, 1905, relative to reports of Corporations.'



"Also House Bill No. 134: 'An Act relating to community Land Grants.'

"Also House Bill No. 105: 'An Act relative to the Inspector of Bees.'

"Also House Substitute for House Bill No. 53: 'An Act to regulate the practice of medicine in New Mexico and to establish a Board of Health and Medical Examiners.'

"Also Amended House Bill No. 83: 'An Act to amend Section 2402 Subsection 18, of the Compiled Laws of 1897.'

"Also House Bill No. 225: 'An Act appropriating additional funds for the improvement of the Rio Grande in Rio Arriba County.'

"Also House Bill No. 159: 'An Act to repeal Section 11, of Chapter 32 of the Thirty-fifth Legislative Assembly.'

"Also Amended House Bill No. 2: 'An Act entitled an act to authorize incorporated cities, towns and villages, having a bona fide population of not less than one thousand persons to issue bonds for sanitary and health purposes, the construction of sewers, water works and the improvement of streets.'"

Mr. Murray asked unanimous consent to introduce a bill which consent was granted.

Council Bill No. 120, by Mr. Murray: "An Act providing for the reimbursement of W. E. Martin, clerk of the Third Judicial District of the Territory of New Mexico, for expenses made on account of deputy clerks in said district."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 120 be read a second time in full, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried. Read a second time in full.

Mr. Murray moved that the rules be further suspended and that Council Bill No. 120 be read a third time preparatory to its passage, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced that Council Bill No. 120 was on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 120 was declared as having duly passed the Council.

A message from the Governor of New Mexico was announced and received.

A message from the Honorable House of Representatives was announced and received as follows:

“Mr. President:

“I have been instructed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed House Substitute for House Bill No. 31: ‘An Act to regulate the classification of counties and fixing the salaries of certain County Officials thereof,’ and respectfully asks the concurrence of this Honorable Body in said act.”

Mr. Sargent moved that the Council do now go into Executive Session, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Council went into Executive Session at 4:35 o'clock p. m.

Council called to order at 5:50 o'clock p. m.

Unanimous consent was asked to introduce the following bills and unanimous consent was granted.

Council Bill No. 121, by Mr. Martinez: “An Act entitled an act to abolish the office of Coal Oil Inspector.”

Read first time by title,

Mr. Martinez moved that the rules be suspended and that Council Bill No. 121 be read a second time by title and referred, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and Council Bill No. 121 was referred to the Committee on Judiciary.

Council Bill No. 122, by Mr. Dalies: “An Act entitled an act to empower school directors to sell property not necessary or used for school purposes.”

Read first time by title.

Mr. Dalies moved that the rules be suspended and that Council Bill No. 122 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and Council Bill No. 122 was referred to the Committee on Judiciary.

Mr. Dalies moved that the rules be suspended for the purpose of taking up out of its regular order House Bill No. 165, for consideration, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the rules were declared suspended and House Bill No. 165 was before the Council.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 15th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Bill No. 165: ‘An Act for the settlement and adjustment of claims against public officers and for other purposes,’ has had the same under consideration, and I am directed to report the said House Bill No. 165 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on Judiciary be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the report of the Committee on Judiciary on House Bill No. 165 was declared adopted.

The President announced that House Bill No. 165 was on its third reading. Read a third time by title preparatory to its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 165 was declared as having passed the Council.

Mr. Sulzer moved that the rules be suspended and that House Substitute for House Bill No. 31: “An Act to regulate the classification of counties and fixing the salaries of certain county officials thereof,” be taken up for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared duly carried, and the rules are declared suspended and House Substitute for House Bill No. 31 before the Council.

Mr. Sulzer moved that the rules be further suspended and that House Substitute for House Bill No. 31 be read a second time in full and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and House Substitute for House Bill No. 31 was referred to the Committee on Judiciary.

Mr. Miera moved that the Council do now adjourn until 10 o'clock Monday morning, which motion was duly seconded by Mr. Duncan. Mr. Dalies amended said motion and moved that the Council go into recess for ten minutes, which motion was duly seconded by Mr. Richards, was put to a vote and declared carried, and Council went into recess at 5:07 o'clock.

Council called to order at 5:40 o'clock.

Mr. Dalies asked unanimous consent to report from the Com-

mittee on Enrolled and Engrossed Bills, being a privileged Committee consent was granted.

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, who have had under consideration House Bill No. 178: 'An Act to abolish the office of Public Printer and for other purposes,' have had the same under consideration and I am directed to report the same to the Council with the recommendation that it be amended as follows:

"1. In line 5 of Section 1 of the original bill, strike out the word 'daily.'

"2. In line 18 of said Section 1, strike out the word 'or' between the words 'board' and 'the' and insert in lieu thereof the word 'except.'

"3. In Section 2, strike out what appears on interlineation between lines fifteen and sixteen, between the words 'and \$1.50 for each subsequent thousand impressions' and after the word 'dollar' in line 17 of said Section insert the words 'and fifty cents.'

"4. After the word 'thereof' in line 17, in Section 2 of the original bill, strike out the period and substitute a semi-colon, and insert the following: 'Provided that no one document, book, paper, or other job shall be subdivided so as to be charged for on a basis of more than two dollars for the first one thousand copies, and one dollar and fifty cents for subsequent or additional copies thereof.'

"5. In line 9 of Section 1, of the original bill, strike out the words 'three years' and substitute therefor the words 'one year.'

"6. In line 18 of Section 2, of the original bill, after the word 'extra' change the period to a comma and insert the following: 'To be used only when specially required by the officer or person ordering the work done.'

"7. In line 20 of Section 2, of the original bill, after the word 'inks' at the end of said line insert the words 'when required.'

"8. In line 4 of Section 4, of the original bill, change the word 'forwarded' to the word 'forward.'

"9. As Section 7, of the original bill, insert the following:

"Section 7. If at any time any person, firm or corporation with whom any contract for the Public Printer shall have been entered into, as herein provided, shall from any cause or on any account whatever, fail to keep and perform said contract on his, their, or its part, to be performed, both as to spirit and substance, or if exorbitant charges shall be made for work done, material furnished, any such contract may be declared forfeited on behalf of the Territory by the Secretary or on his failure or refusal to de-

clare such forfeiture for said causes or any of them, it is hereby made the duty of the Attorney General of the Territory, upon the verified complaint of any officer or citizen of the Territory setting forth facts showing the violation of the said contract in some of the particulars mentioned, being presented to him, to institute a suit in the District Court having jurisdiction, for the cancellation thereof and if the Court before which any such suit shall be tried, shall find the facts in favor of the Territory, such contract shall be declared forfeited, and no longer in force and effect, and if an appeal from any such judgment to the Supreme Court shall be prosecuted by the defendant no supersedeas of the judgment of the trial Court shall be allowed pending the appeal.'

"10. And the following as Section 8:

"Sec. 8. This Act shall be in full force from and after its passage.'

"And as so amended it do pass.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Enrolled and Engrosed Bills be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and the report stood adopted.

Mr. Dalies moved that the amendments offered by the Committee on Judiciary on House Bill No. 178 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and amendments to House Bill No. 178 recommended by the Committee on Judiciary stood adopted.

The President announced that House Bill No. 178 was on its third reading. Read a third time preparatory to its passage and upon call of the roll the vote resulted as follows:

Ayes: Cameron, Chaves, Dalies, Martinez, Murray, Richards, Stockton, Mr. President. (8).

Nays: Duncan, Miera, Sargent, Sulzer. (4).

House Bill 178, as amended, was declared as having duly passed the Council.

Mr. Stockton moved that the rules be suspended and that House Bill No. 226: "An Act to enable the Board of County Commissioners of the County of Colfax to dispose of certain County property," be taken up for consideration, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried, and House Bill No. 226 before the Council.

Read first time by title.

Mr. Stockton moved that the rules be suspended and that House Bill No. 226 be read a second time in full, which motion was duly

seconded by Mr. Sulzer, was put to a vote and declared carried. Read a second time in full.

Mr. Stockton moved that the rules be further suspended and that House Bill No. 226 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read a third time by title preparatory to its passage and upon call of the roll on House Bill No. 226 the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 226 was declared as having duly passed the Council.

Mr. Dalies moved that when this Council adjourn it adjourn until 3:30 tomorrow afternoon, which motion was duly seconded by Mr. Cameron and upon call of the roll the following vote resulted:

Ayes: Cameron, Dalies, Martinez, Murray, Richards, Mr. President. (6).

Nays: Chaves, Duncan, Miera, Sargent, Stockton, Sulzer. (6).

The motion to adjourn until 3:30 tomorrow afternoon was declared lost.

Mr. Sulzer moved that the rules be suspended and that House Substitute for House Bill No. 31 be taken up out of its regular order for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and House Substitute for House Bill No. 31 before the Council.

“Hall of the Council,

“Thirty-seventh Legislative Assembly,

“Santa Fe, N. M., March 15th, 1907.

“Mr. President:

“Your Committee on Judiciary to whom has been referred House Substitute for House Bill No. 31: ‘An Act to regulate the classification of Counties and fixing the salaries of certain county officials thereof,’ has had the same under consideration, and I am directed to report the said House Substitute for House Bill No. 31 to the Council with the recommendation that it be passed.

“CARL A. DALIES, Chairman.”

Mr. Sulzer moved that the report of the Committee on Judiciary on House Substitute for House Bill No. 31 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Mr. Sulzer moved that the rules be further suspended and that House Substitute for House Bill No. 31 be read a third time

preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time preparatory to its passage.

Mr. Sulzer moved that House Substitute for House Bill No. 31 do now pass, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and upon call of the roll the following vote resulted.

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Substitute for House Bill No. 31 was declared as having duly passed the Council.

Mr. Miera moved that the Council do now adjourn until 10 o'clock Monday morning, which motion was duly seconded by Mr. Sargent, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Miera, Murray, Sargent, Stockton, Sulzer. (8).

Nays: Dalies, Martinez, Richards, Mr. President. (4).

Council thereupon stood adjourned until 10 o'clock Monday morning.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FIFTY-SEVENTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 18th, 1907.  
Monday, 10 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Dalies moved that the reading of the Journal of Friday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Sargent, was put to a

vote and declared carried, and the Journal of Friday's proceedings stood approved.

Introduction of resolutions being in order the following was introduced:

Council Resolution No. 2, by Mr. Murray, was read, Council Resolution No. 2:

"WHEREAS, There is now remaining only four days for the transaction of business by this Council; and

WHEREAS, Many matters of paramount interest and importance to the whole Territory remain undisposed of and the consideration thereof will require every moment of time between this time and the close of this Thirty-seventh Legislative Assembly; and

"WHEREAS, All acts, bills and measures having for their object the creation of new counties are necessarily of no more than local interest and importance and should not be allowed to take up any part of the short time now remaining for the consideration of important matters of general moment; now therefore be it

*Resolved*, That from and after the passage of this resolution this Council shall not consider any act, bill or measure having for its object the creation of any new county unless such act, bill or measure shall be ordered taken up and considered by a vote of not less than two-thirds of the members of this body, except that such county matters having been previously considered by this Council may be taken up in the usual manner.

Mr. Murray moved that Council Resolution No. 2 be adopted, which motion was duly seconded by Mr. Cameron, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Martinez, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (9).

Nays: Dalies, Duncan, Miera. (3).

Council Resolution No. 2 stood adopted.

Mr. Cameron moved that the rules of the Council be suspended for the taking up of Council Bill No. 45 out of its regular order for consideration, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried, and the rules of the Council stood suspended and Council Bill No. 45 was before the Council.

Council Bill No. 45, reported to the Council by the Committee with certain amendments and recommendation that the same be passed. Report of the Committee adopted.

Mr. Cameron moved that the amendments reported by the Committee on Council Bill No. 45 be adopted, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried, and the amendments stood adopted.



Council Bill No. 45: "An Act relating to quo warranto, and for other purposes."

Read third time by title.

Mr. Cameron moved that Council Bill No. 45 do now pass, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

A Message from the Honorable House of Representatives was announced and received as follows:

"Mr. President:

"I have been instructed by the Honorable House of Representatives to inform this Honorable Body that the House has duly concurred in the passage of Council Joint Resolution No. 7, relative to an Irrigation Celebration at Carlsbad."

"Also that the House has duly concurred on Council Bill No. 76: 'An Act amending Section 3448 of the Compiled Laws of 1897.'

"Also that the House has duly concurred in the passage of Council Bill No. 80: 'An Act defining the duties of the Treasurer of New Mexico with reference to the sale of bonds, and for other purposes.'

"Also that the House has duly concurred in the passage of Council Bill No. 104: 'An Act relative to civil procedure.'

"Also that the House has duly concurred in the passage of Council Bill No. 108: 'An Act to amend Section 255 of the Compiled Laws of 1897.'

"Also that the House has amended and duly passed Council Bill No. 111: 'An Act for the relief of the different counties of the Territory with relation to delinquent taxes.'

"Also that the House has amended and duly passed Council Bill No. 115: 'An Act to refund to Territorial Institutions money due for expenses in selection and location of public lands.'

"Also that the House has duly passed House Substitute for House Bill No. 74: 'An Act for the improvement of the Rio Grande.'

"Also that the House has duly passed, with amendments, House Bill No. 84: 'An Act amending Section 1672 of the Compiled Laws of 1897, and for other purposes.'

"Also that the House has duly passed House Bill No. 91: 'An Act to create the County of Foraker, and for other purposes.'

"Also that the House has duly passed, as amended, House Substitute for House Bill No. 107: 'An Act to revise and to system-

atize the school laws of the Territory of New Mexico, and for other purposes.'

"Also that the House has duly passed House Bill No. 150: 'An Act relative to corporation for mining purposes.'

"Also that the House has duly passed House Bill No. 154: 'An Act repealing an act entitled an act relative to the publication of process and the service of process by publication, being Chapter 121 of the Laws of 1905.'

"Also that the House has passed House Bill No. 209: 'An Act to amend Section 1738, 1740 and 1747 of the Compiled Laws of 1897.'

"Also, that the House has duly passed House Bill No. 214: 'An act making an appropriation to improve the public highway from Las Vegas to Mora in the Territory of New Mexico.'

"Also that the House has passed House Bill No. 219: 'An Act relative to the improvement of public roads by convict labor.'

"Also that the House has duly passed with amendments, House Bill No. 223: 'An Act to amend Chapter 97 of the Session Laws of 1905.'

"Also that the House has passed, with amendments, House Bill No. 227: 'An Act to prevent members of Common Councils of incorporated cities and towns from accepting employment against said cities and towns.'

"Also that the House has passed House Bill No. 234: 'An Act to amend Section 3, Chapter 27, Laws of 1901 of New Mexico.'

"Also that the House has passed House Bill No. 236: 'An Act providing for the distribution of delinquent taxes.'

"Also that the House has passed House Bill No. 237: 'An Act to amend Section 1526 of the Compiled Laws of 1897 of the Territory of New Mexico.'

"And asks the concurrence of this Honorable Body in the same."

A message from the Governor of New Mexico was announced and received.

Mr. Sargent moved that the rules be suspended for the taking up of Council Bill No. 115 out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried and the rules were declared suspended and Council Bill No. 115 before the Council. Council Bill No. 115 reported as having been passed by the House with amendments.

Mr. Sargent moved that the Council non-concur in the amendments offered by the House to Council Bill No. 115, and that a conference Committee be appointed to confer with a like committee from the House on Council Bill No. 115, which motion was duly

seconded by Mr. Chaves, was put to a vote and declared carried, and the President appointed Mr. Chaves, Mr. Duncan and Mr. Cameron as a Conference Committee to confer with a like Committee from the House on Council Bill No. 115.

Mr. Miera moved that the rules be suspended and that Council Bill No. 111 be taken up out of its regular order, same having been reported to the Council this morning by this House, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and Council Bill No. 111 was before the Council.

Council Bill No. 111, being "An Act for the relief of the different counties of the Territory in relation to delinquent taxes, returned from the House as having been passed with amendment.

Mr. Murray moved that the Council do concur with the House in the amendment to Council Bill No. 111, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendment stood concurred in.

Mr. Dalies moved that the rules be suspended for the taking up of the report of the Committee on Judiciary on House Bill No. 120, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 120 with report of the Committee was announced as being before the Council.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 18th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Amended House Bill No. 120: 'An Act entitled an act to conserve and regulate the distribution of the waters of New Mexico, to create the office of Territorial Engineer, to create a Board of Water Commissioners, and for other purposes,' has had the same under consideration, and I am directed to report the said Amended House Bill No. 120 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on Amended House Bill No. 120 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Mr. Martinez, moved that the rules be further suspended and that Amended House Bill No. 120 be read a third time by title preparatory to its passage, which motion was duly seconded by

Mr. Dalies, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced Amended House Bill No. 120 as being on its passage, and on call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12.)

Nays: None.

Amended House Bill No. 120 was declared as having duly passed the Council.

Mr. Sargent moved that the rules be suspended and that House Bill No. 126 be taken up out of its regular order, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the rules were declared suspended and House Bill No. 126 before the Council.

House Bill No. 126 was reported as being in the order of unfinished business since March 13th, having been reported to the Council favorably by the Committee and the report of the Committee adopted.

House Bill No. 126: "An Act amending Section 2, Chapter 116, Laws of 1905, relative to exemption from jury service."

Read third time by title.

Mr. Dalies moved that House Bill No. 126 do now pass, which motion was duly seconded by Mr. Chaves, and upon the call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12.)

Nays: None.

House Bill No. 126 was declared as having duly passed the Council.

Mr. Sulzer moved that the rules be suspended for the taking up of House Substitute for House Bill No. 74, in regard to the Rio Grande improvements, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the rules stood suspended and House Substitute for House Bill No. 74 was before the Council.

House Substitute for House Bill No. 74: "An Act for the improvements of the Rio Grande."

Read first time by title.

Mr. Miera moved that the rules be further suspended and that House Substitute for House Bill No. 74 be read a second time in full and referred, which motion was duly seconded by Mr. Sulzer, was put to a vote and declared carried. Read a second time in full and ordered referred to the Committee on Education.

A message from the Governor of New Mexico was announced and received.

Mr. Martinez moved that the rules be suspended and that House Bill No. 199, in reference to good roads, be taken up out of its regular order, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 199 was before the Council.

House Bill No. 199: "An Act to amend Chapter 124 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Martinez moved that the rules be further suspended and that House Bill No. 199 be read a second time by title, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time by title.

Mr. Martinez moved to make the following amendment to House Bill No. 199: "This act shall take effect on the first day of January, 1906," which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the amendment was adopted.

Mr. Martinez moved that the rules be further suspended and that House Bill No. 199 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a third time in full preparatory to its passage.

The President announced the bill on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12.)

Nays: None.

Amended House Bill No. 199 was declared as having duly passed the Council.

Mr. Cameron moved that the Council do now go into Executive Session, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Council went into Executive Session at 12:03 p. m.

Council called to order by the President at 12:10 p. m.

Committee on Enrolled and Engrossed Bills asked permission to report:

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, to whom was referred Amended Council Bill No. 111: 'An Act for the relief of the different counties in the Territory with relation to the de-

linquent taxes,' has had the same under consideration and I am directed to report the same to the Council as correctly and properly engrossed.

"CARL A. DALIES, Chairman."

The President announced the report of the Committee on Enrolled and Engrossed Bills as adopted.

Mr. Duncan moved that the Council do now go into recess until 2:30 p. m., which motion was duly seconded by Mr. Martinez, was put to a vote and the motion was declared as having failed to carry.

A message from the Governor of New Mexico was read as follows:

"Territory of New Mexico,

"OFFICE OF THE EXECUTIVE,

"Santa Fe, March 16th. 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have this day signed the following:

"Council Bill No. 36: 'An Act to amend Section 1799 of the Compiled Laws of 1897.'

"Council Bill No. 37: 'An Act entitled an act for the protection of Highway Bridges, and for other purposes.'

"Council Bill No. 50: 'An Act in reference to the qualification of voters.'

"Council Bill No. 53: 'An Act extending all of the provisions of Sections 2394, 2395, Compiled Laws 1897, of Sections 6 and 7, Chapter 39.'

"Council Bill No. 54: 'An Act amending Sections 6, 7, 8 and 9, Chapter 54, Session Laws of 1903.'

"Council Bill No. 56: 'An Act placing the County of Sandoval in the First District as established for District Attorney purposes by Chapter 33, Session Laws 1905, and fixing the time for holding court in Sandoval County.'

"Council Bill No. 59: 'An Act to amend Section 10, of Article 4, of an act entitled an act to incorporate the Town of Silver City in Grant County.'

"Council Bill No. 64: 'An Act relating to the qualifications of witnesses.'

"Council Bill No. 70: 'An Act to amend Section 1, of Chapter 9, of the Laws of the Thirty-fourth Legislative Assembly, relating to railroads.'

"Council Bill No. 106: 'An Act to provide for the payment of expenses in new counties.'

"Council Joint Resolution No. 6: 'Providing and endorsing the objects of the Coronado Memorial Association and making an appropriation for the construction of a monument commemorative of the life and services of the great explorer, Francisco Vasquez de Coronado.'

"House Bill No. 54: 'An Act defining the crime of barratry and prescribing the penalty therefor.'

"House Bill No. 105: 'An Act relative to the inspecting of bees and creating the office of Inspector of Bees.'

"House Bill No. 113: 'An Act providing for the sprinkling of streets in unincorporated towns and assessing the expense thereof against the owners of property abutting upon said streets.'

"House Bill No. 159: 'An Act to repeal Section 11, Chapter 32, of the Thirty-fifth Legislative Assembly.'

"House Bill No. 167: 'An Act to amend House Bill No. 95, entitled an act with reference to the sale of intoxicating liquors on trains, of the Acts of the Thirty-seventh Legislative Assembly of New Mexico.'

"House Substitute for House Bill No. 53: 'An Act to regulate the practice of medicine in New Mexico and to establish a Board of Health and Medical Examiners.'

"Amended House Bill No. 2: 'An Act to authorize incorporated cities, towns and villages, having a bona fide population of not less than one thousand persons to issue bonds for sanitary and health purposes, the construction of sewers, water works, and the improvement of streets.'

"I have the honor to be,

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

Mr. Martinez moved that the Chief Clerk be instructed to immediately after the House convene take up with it Amended House Bill No. 199.

Mr. Duncan moved that the Council do now go into recess until 2:30 p. m., which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the Council thereupon went into recess until 2:30 p. m.

#### AFTERNOON SESSION.

Council met pursuant to recess, call to order by the President at 2:30 o'clock p. m.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

The president announced having signed the following:

"House Joint Resolution No. 6: 'In regard to the disposition of the Old Palace at Santa Fe, N. M.'"

"House Bill No. 188: 'An Act to repeal Chapter 6 of the Session Laws of the Thirty-sixth Legislative Assembly, and for other purposes.'"

"House Bill No. 110: 'An Act limiting the sale, without license, of native liquors upon the premises where manufactured and to amend Section 4137 of the Compiled Laws of 1897.'"

"House Bill No. 165: 'An Act for the settlement and adjustment of claims against public officers, and for other purposes.'"

"Amended House Bill No. 61: 'An Act entitled an act with reference to the boundaries of the County of Quay.'"

"House Bill No. 131: 'An Act relative to the Manzano Grant, in the Territory of New Mexico.'"

"House Bill No. 178: 'An Act to abolish the office of Public Printer, and for other purposes.'"

A message from the Governor of New Mexico was announced and received.

The following business was taken up under suspension of the rules:

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 18th, 1907.

"Mr. President:

"Your Committee on Railroads, to whom has been referred Council Bill No. 94: 'An Act providing for the taxation of express companies,' has had the same under consideration, and I am directed to report the said Council Bill No. 94 to the Council with the recommendation that it be amended by striking out the words 'general revenue fund' in the eighth line of Section 5 of said bill and inserting in lieu thereof the words 'Territorial Purpose Fund,' and by striking out the words 'general revenue fund' in lines 27 and 28 of Section 6 of said Bill and inserting in lieu thereof the words 'Territorial Purpose Fund,' and that as so amended that it do pass.

"J. S. DUNCAN, Chairman."

Mr. Duncan moved that the report of the Committee on Railroads on Council Bill No. 94 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Mr. Martinez moved that the rules be further suspended and that the amendments offered by the Committee on Railroads on



Council Bill No. 94 be adopted, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the report stood adopted.

Mr. Duncan moved that the rules be further suspended and that Council Bill No. 94 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the Bill on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. One absent.

Council Bill No. 94 was declared as having duly passed.

Mr. Sargent asked and was granted unanimous consent to make a report from the Committee on Finance.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 18th, 1907.

“Mr. President:

“Your Committee on Finance, to whom has been referred House Substitute for House Bill No. 142, being ‘An Act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be not passed, and that Council Substitute for House Bill No. 142 be passed in lieu thereof.

“W. G. SARGENT, Chairman.”

Mr. Sargent moved that the report of the Committee on Finance on House Substitute for House Bill No. 142 be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the report stood adopted.

Mr. Sargent moved that the rules be suspended and that Council Substitute for House Substitute for House Bill No. 142 be read a first time by title, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried.

Council Substitute for House Substitute for House Bill No. 142: “An Act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes.

Read first time by title.

Mr. Sargent moved that the rules be further suspended and that Council Substitute for House Substitute for House Bill No. 142 be read a second time by title and referred which motion was duly

seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Finance.

Mr. Sargent moved that House Substitute for House Bill No. 142 be laid on the table indefinitely, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Miera, Murray, Sargent, Stockton, Sulzer. (8).

Nays: Dalies, Richards, Mr. President. (3).

Mr. Martinez, upon request, was excused from voting. House Substitute for House Bill No. 142 was ordered laid on the table indefinitely.

Mr. Sargent moved that the vote by which House Substitute for House Bill No. 142 was laid on the table indefinitely be reconsidered and that the reconsideration thereof be laid on the table indefinitely, which motion was duly seconded, by Mr. Chaves, was put to a vote and declared carried, and the vote by which House Substitute for House Bill No. 142 was laid on the table indefinitely was ordered reconsidered and the reconsideration thereof laid on the table indefinitely.

Mr. Martinez moved that the rules be suspended and that he be allowed to introduce a bill, which permission was granted.

Council Bill No. 123, by Mr. Martinez: "An Act providing a limitation for actions on municipal bonds and coupons."

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 123 be read a second time in full for information, which was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time in full.

Mr. Martinez moved that the rules be further suspended and that Council Bill No. 123 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. Martinez moved that the bill do now pass and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12.)

Nays: None.

Council Bill No. 123 was declared as having duly passed the Council.

Mr. Sargent requested and was granted unanimous consent to make a report from the Committee on Finance:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 18th, 1907.

“Mr. President:

“Your Committee on Finance, to whom has been referred House Bill No. 222: ‘An Act amendatory of an act entitled an act for the relief of the County of Torrance, approved February 18th, 1907,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

“W. G. SARGENT, Chairman.”

Mr. Dalies moved that the report of the Committee on Finance on House Bill No. 222 be adopted, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the report stood adopted.

Mr. Dalies moved that the rules be suspended and that House Bill No. 222 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced House Bill No. 222 on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12.)

Nays: None.

House Bill No. 222 was declared as having duly passed.

Message from the House of Representatives announced and received as follows:

“Mr. President:

“I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly concurred in the passage of Council Bill No. 35: ‘An Act regulating the sale of estray animals.’”

Mr. Martinez moved that the rules be suspended and that House Bill No. 27 be taken up out of its regular order, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 27 was before the Council.

The bill (House Bill No. 27) was reported as still in the hands of the Committee on Judiciary and could not as yet be acted upon.

Mr. Murray moved that the rules be suspended and that House

Bill No. 173 be taken up out of its regular order, for consideration, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 173 was before the Council.

House Bill No. 173: "An Act creating three armory boards of control, and providing for the construction of armories in the cities of Santa Fe, Silver City and Las Cruces."

Read first time by title.

Mr. Cameron moved that the rules be further suspended and that House Bill No. 173 be read a second time in full, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read a second time in full.

Mr. Cameron moved that the rules be suspended and that he be allowed to offer amendments to House Bill No. 173, and consent being allowed the following amendments were offered:

"Amend Section 1 of the original bill by adding after the words 'Las Cruces,' in line 3, the word 'Roswell,' and change the word 'three' in line 4, of said Section to 'four.'

"Amend Section 2 by adding after the word 'Silver City' in line 9 of said Section, the words 'The Adjutant General of the Territory and four commissioned officers of the National Guard stationed at Roswell, shall constitute the Board having supervision of the Armory located at Roswell.'

"Amend Section 3 by inserting after the word 'Las Cruces' in line 3, of the original bill, the words 'and Roswell,' and change the word 'thirty' in line 4 of said Section 8 to the word 'forty.'

"Strike out the last five lines of said Section 8, beginning with the words 'one-third, etc., and substitute therefore the following: 'one-fourth thereof upon the order of the Santa Fe, Armory Board of Control, one-fourth thereof upon the order of the Silver City Armory Board of Control, one-fourth thereof upon the order of the Las Cruces Armory Board of Control and one-fourth thereof upon the order of the Roswell Board of Control for the construction of the armory buildings herein provided for.'

"Amend the title by inserting the word 'Roswell' therein after the word 'Santa Fe.'"

Mr. Murray moved that the amendments be adopted, which motion was seconded by Mr. Cameron, was put to a vote and declared carried.

Mr. Cameron moved that the rules be further suspended and that House Bill No. 173 be read a third time by title as amended preparatory to its passage, which motion was seconded by Mr. Murray, was put to a vote and declared carried. "An Act creating four

Armory Boards of Control and providing for the construction of armories in the cities of Santa Fe, Roswell, Silver City and Las Cruces." Read a third time by title preparatory to its passage.

The President announced the bill on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12.)

Nays: None.

House Bill No. 173 was declared as having duly passed the Council.

Mr. Duncan moved that the Council take a recess of one hour which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried, and the Council went into recess at 3:35 p. m.

Council called to order by the President at 5 p. m.

Mr. Chaves asked and was granted unanimous consent to introduce a Bill.

Council Bill No. 124, by Mr. Chaves: "An Act to validate the acts of the officers of the defacto municipality of Gallup, and for other purposes."

Read first time by title.

Mr. Chaves moved that the rules be suspended and that Council Bill No. 124 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

Read second time in full.

Mr. Chaves moved that the rules be further suspended and that Council Bill No. 124 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the Bill on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12.)

Nays: None.

Council Bill No. 124 was declared as having duly passed the Council.

Mr. Sargent moved that the rules be suspended for the taking up of Council Substitute for Council Bill No. 11 out of its regular order, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the rules stood suspended and Council Substitute for Council Bill No. 11 was ordered before the Council.

Council Substitute for Council Bill No. 11 announced as passed

by the House with an amendment and the bill referred by the President to the Committee on Railroads and not returned as yet by that Committee to the Council.

Mr. Duncan moved that the rules be suspended and that House Bill No. 135 be taken up for consideration out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 135 was ordered before the Council.

Mr. Duncan moved that House Bill No. 135 be read a first time by title and considered read a second time, and that same be referred to the Committee on Insurance, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. House Bill No. 135: "An Act relating to insurance companies."

Read a first time by title, considered read a second time by title, and ordered referred to the Committee on Insurance.

Mr. Murray moved that the rules be suspended and that House Bill No. 155 be taken up out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 155 was ordered before the Council.

House Bill No. 155 was announced as being on the President's table without prejudice since the 8th day of March, and amendment offered. Amendment read, as follows:

"Amend House Bill No. 155 by inserting in Section 2, after the words 'other purposes' in second line of said section, the words 'in criminal cases.'"

Mr. Murray moved that the amendment offered to House Bill No. 155 be adopted, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the amendments stood adopted. House Bill No. 155: "An Act fixing times of holding district court in Otero County." Read a third time by title.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

House Bill No. 155 was declared as having duly passed.

Mr. Richards moved that the rules be suspended and that Council Bill No. 113 be taken up, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,

“Mr. President:

“Your Committee on Railroad Employees, Labor and Commerce, to whom has been referred Council Bill No. 113: ‘An Act entitled an act to facilitate the collection of poll and road tax by requiring employer of persons liable therefor to pay such taxes and deduct the amount thereof from the wages of such employes,’ has had the same under consideration, and I am directed to report the said Council Bill No. 113 to the Council with the recommendation that it be passed.

“H. M. RICHARDS, Chairman.”

Council Bill No. 113, announced as reported by the Committee on Railroad Employees, Labor and Commerce to the Council, favorably.

Mr. Richards moved that the report of the Committee on Railroad Employees, Labor and Commerce on Council Bill No. 113 be adopted, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried.

Council Bill No. 113: “An Act entitled an act to facilitate the collection of poll and road tax by requiring employer of persons liable therefor to pay such taxes and deduct the amount thereof from the wages of such employes.”

Read a third time by title.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).  
Nays: None.

Council Bill No. 113 was declared as having duly passed.

The following report was taken up under suspension of rules:

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 18th, 1907.

“Mr. President:

“Your Committee on Education, to whom has been referred House Substitute for House Bill No. 74: ‘An Act for the improvement of the Rio Grande,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

“J. F. SULZER, Chairman.”

Mr. Sulzer moved that the report of the Committee on Education on House Substitute for House Bill No. 74 be adopted, which

motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

House Substitute for House Bill No. 74: "An Act for the improvement of the Rio Grande." Read a third time by title.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

House Substitute for House Bill No. 74 was declared as having duly passed.

The following report was taken up under suspension of rules:

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 18th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 84: 'An Act fixing the time for holding terms of district court in the several counties of the Fourth Judicial District of the Territory of New Mexico,' has had the same under consideration and I am directed to report the said Council Bill No. 84 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

Council Bill No. 84: "An Act fixing the time for holding terms of the district court for the several counties of the Fourth Judicial District of the Territory of New Mexico."

Read a third time by title.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

Council Bill No. 34 was declared as having duly passed.

Under suspension of rules the following report was taken up:

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 18th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Bill No. 27: "An Act providing for the printing of the



rules of the Supreme Court and making appropriation therefor,' has had the same under consideration, and I am directed to report the said House Bill No. 27 to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that the report of the Committee on Judiciary on House Bill No. 27 be adopted, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and the report stood adopted.

House Bill No. 27: "An Act providing for the printing of the rules of the Supreme Court and making appropriation therefor."

Read a third time by title.

The President announced the bill as being on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

House Bill No. 27 was declared as having duly passed.

Under suspension of rules the following report was taken up:

"Hall of the Council,

"Thirty-seventh Legislative Assembly.

"Santa Fe, N. M., March 18th, 1907.

"Mr. President:

Your Committee on Judiciary, to whom has been referred House Bill No. 146, being 'An Act providing appellate procedure in civil and criminal cases,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

"CARL A. DALIES, Chairman."

Mr. Dalies moved that he report of the Committee on Judiciary on House Bill No. 146 be adopted, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried and the report stood adopted.

House Bill No. 146: "An Act providing appellate procedure in civil and criminal cases."

Read a third time by title.

The President announced the bill as on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

House Bill No. 146 was declared as having duly passed.

Mr. Sargent moved that the Council do now go into executive

session, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried, and the Council went into executive session at 5:18 p. m.

Council called to order by the President at 5:50 p. m.

Mr. Richards moved that the Council do now adjourn, which motion, being duly seconded by Mr. Martinez, put to a vote and declared carried, the Council thereupon stood adjourned.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FIFTY-EIGHTH DAY.

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### MORNING SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 19th, 1907,  
Tuesday, 10 o'clock.

Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Murray, Miera, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

Message from the Governor of New Mexico was announced and received.

Reports of Standing Committees being in order the following were taken up:

"Mr. President:

"Your Committee on Enrolled and Engrossed Bills, to whom has been referred:

"Council Bill No. 108: 'An Act to amend the act entitled an act to amend Section 255 of the Compiled Laws of 1897, relative to Territorial depositories, approved February 21, 1907.'

"Also Council Bill No. 104: 'An Act relative to civil procedure.'

"Also Council Bill No. 80: 'An Act entitled an act defining the duties of the Treasurer of the Territory of New Mexico with reference to the issuing, sale and delivery of certain bonds authorized to be issued and sold by Chapter 6, 76 and 89 of the Acts of the Thirty-fourth Legislative Assembly of the Territory of New Mexico, and for other purposes.'

"Also Council Bill No. 76: 'An Act to amend Section 3448 of the Compiled Laws of 1897.'

"Also Council Bill No. 35, known as 'the Estray Act.'

"Also Council Joint Resolution No. 7: 'Providing a vote of thanks to F. H. Newell, Director of Geological Survey, etc.'

"Has had the same under consideration, and beg leave to report same to the Council as correctly and properly engrossed.

"CARL A. DALIES, Chairman."

The President announced the report of the Committee on Enrolled and Engrossed Bill as adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Mr. President:

"Your Committee on Finance, to whom has been referred Council Substitute for House Substitute for House Bill No. 142: 'An Act providing funds and making appropriations for the Fifty-ninth and Sixtieth fiscal years, and for other purposes,' has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed with amendments.

"W. G. SARGENT, Chairman."

"Amendments offered by the Committee on Finance to Council Substitute for House Substitute for House Bill No. 142:

"Amend in the fifth and sixth line of bill by striking out the words twenty-five thousand (\$25,000.00) and insert in lieu thereof the words twenty thousand (\$20,000.00) dollars.

"Amend appropriation to the University of New Mexico by striking out the figures \$35,000.00 and inserting in lieu thereof the figures \$25,000.00.

"Amend Bill by striking out the appropriation for United States Land Commission.

"Amend Section 7 of bill, by striking out the word 'of' in line 7 after the word 'treasurer.'

"Amend Section 7 where said section relates to expenses of Trav-

eling Auditor, by inserting after the word institutions the words 'at direction of the Governor.'

"Amend Section 7 by striking out the appropriation made for printing rules of the Supreme Court.

"Amend Section 7 in regard to appropriation for payment of freight of territorial library by placing at the end of said appropriation after the word 'expenses,' the word 'and' and strike out the figures '500.00,' also the figures '300.00,' and insert in lieu thereof the figures '800.00.'

"Amend Section 12 by striking out the last two words of said section.

Amend Section 15 by striking out the appropriation made for the Mounted Police.

"Amend Section 22 by inserting after the word 'penitentiary,' the words 'and deficiencies.'

"Amend Section 16 in the appropriation for maintenance of penitentiary, by adding after the word 'labor' the word 'and.'"

Mr. Sargent moved that the report of the Committee on Finance on Council Substitute for House Substitute for House Bill No. 142 be adopted, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and the report stood adopted.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 19th, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred Council Bill No. 105: 'An Act entitled an act to construct an addition to the present Capitol Building, and for the construction of an Executive Mansion, and to purchase certain real estate, and to provide the necessary means therefor, and for other purposes,' has had the same under consideration, and I am directed to report the said Council Bill No. 105 to the Council with the recommendation that it be amended by striking out the words 'six thousand, five hundred' and inserting the words 'not to exceed 'ten thousand' and as so amended it do pass.

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on Territorial Affairs on Council Bill No. 105 be adopted, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 18th, 1907.

“Mr. President:

“Your Committee on Territorial Affairs, to whom has been referred House Bill No. 29: ‘An Act to amend Chapter 38 of the Acts of the Thirty-fifth Legislative Assembly of New Mexico,’ has had the same under consideration, and I am directed to report the said House Bill No. 29 to the Council with the recommendation that it be amended by striking out the words in the first lines: ‘All county officers,’ and substitute therefor for the following: ‘All sheriffs, treasurers and probate clerks,’ and that it be passed as amended.

“E. A. MIERA, Chairman.”

Mr. Miera moved that the report of the Committee on Territorial Affairs on House Bill No. 29 be adopted, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried, and the report stood adopted.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 19th, 1907.

“Mr. President:

“Your Committee on Railroads, to whom has been referred Council Substitute for Council Bill No. 11: ‘An Act for the assessment and collection of taxes on sleeping cars and repealing Sections 4118, 4119, 4120 and 4121 of the Compiled Laws of 1897,’ has had the same under consideration and I am directed to report the said bill to the Council with the recommendation that it do not concur in the House amendments to said bill.

“J. S. DUNCAN, Chairman.”

Mr. Duncan moved that the report of the Committee on Railroads on Council Substitute for Council Bill No. 11 be adopted, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the report stood adopted.

Mr. Sargent moved that he rules be suspended for the taking up of Council Substitute for House Substitute for House Bill No. 142 out of its regular order, for consideration, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the rules stood suspended and Council Substitute for House Bill No. 142 declared before the Council.

Council Substitute for House Substitute for House Bill No. 142 announced as reported favorably to the Council by the Committee

on Finance with certain amendments, and the report of the Committee adopted. Amendments offered were then read and Mr. Sargent moved that the Amendments to Council Substitute for House Substitute for House Bill No. 142 offered by the Committee on Finance be adopted, which motion was duly seconded by Mr. Chaves, put to a vote and declared carried, and the amendments stood adopted.

Mr. Cameron asked and was granted unanimous consent to offer an amendment for insertion in the bill, as follows. "Amend Council Substitute for House Substitute for House Bill No. 142 by adding to Section 7 the following: 'To pay Charles L. Pierce for services rendered to committee appointed by House of Thirty-seventh Legislative Assembly to investigate H. J. Hagerman, Governor, etc., in taking and transcribing testimony and writing report of the Committee, \$125.00.'"

Mr. Cameron moved that this amendment be adopted, which motion was duly seconded by Mr. Dalies, was put to a vote, and declared carried, and the amendment stood adopted.

Mr. Sargent moved that the bill as amended be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the bill is ordered read a third time in full preparatory to its passage. Council Substitute for House Substitute for House Bill No. 142: "An Act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes."

Mr. Richards called to the chair at 11:30 a. m.

Read in part a third time when Mr. Miera moved that the rules be suspended and that the further reading of Council Substitute for House Substitute for House Bill No. 142 be dispensed with, which motion was duly seconded by Mr. Sargent; Mr. Dalies objected to the motion to dispense with the further reading of Council Substitute for House Substitute for House Bill No. 142, and upon call of the roll for the dispensing of further reading the bill, the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Richards, Sargent, Stockton, Sulzer. (8).

Nays: Cameron, Dalies, Murray, Mr. President. (4).

There being a two-thirds vote in favor of the motion Mr. Dalies' objection was declared lost and the further reading of Council Substitute for House Bill No. 142 was ordered dispensed with.

Mr. Spiess took the Chair at 11:40 a. m.

A message from the Governor of New Mexico was announced and received.

Mr. Sargent moved that the bill be considered read a third time by title, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the bill was considered read a third time by title.

The President announced Council Substitute for House Substitute for House Bill 142 as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

Council Substitute for House Bill No. 142 was declared as having duly passed.

A message from the House of Representatives was announced and received:

“Mr. President:

“I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed House Bill No. 213: ‘An Act creating a County of Pyramid, and for other purposes, and respectfully, ask the concurrence of this Honorable Body therein.”

Mr. Sargent moved that the Council do now go into Executive Session, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Council went into Executive Session at 11:54 a. m.

Council called to order by the President at 12:12 p. m.

Mr. Dalies moved that the Council do now go into recess until 3 o'clock, which motion being duly seconded by Mr. Martinez, was put to a vote and declared carried, the Council thereupon stood in recess until 3 p. m.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 3 o'clock p. m.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

Mr. President, Mr. Martinez and Mr. Murray asked and were granted unanimous consent to introduce bills.

Council Bill No. 125, by Mr. President: “An Act to provide for

to a vote and declared carried, and the Council went into Executive Session at 5:07 p. m.

Council called to order at 5:20 by the President.

Mr. Martinez introduced Council Joint Resolution No. 8, providing for additional pay for the regular employes of the Capitol during Legislative Session, which resolution was read in full.

Mr. Martinez moved that Council Joint Resolution No. 8 be read a second time by title, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time by title.

Mr. Martinez moved that the rules be further suspended and that Council Joint Resolution No. 8 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (10).

Nays: None. Mr. Cameron excused from voting.

Council Joint Resolution No. 8 was declared as having duly passed the Council.

Mr. Cameron moved that the rules be suspended and that House Bill No. 107 be taken up out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 107 was before the Council.

House Bill No. 107: "An Act to revise and systematize the school laws of the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 107 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Dalies moved that House Bill No. 107 be referred to the Committee on Territorial Affairs, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the bill was ordered referred to the Committee on Territorial Affairs.

Mr. Duncan asked and was granted unanimous consent to introduce a bill.



and consideration, a Council Bill making appropriations for the Government of the Territory of New Mexico for the next two years. It seems that this bill was just as distasteful to the House of Representatives as the bill which the House of Representatives sent to us. The question now is: Can the Thirty-seventh Legislative Assembly of the Territory of New Mexico make an appropriation bill for the government of the Territory of New Mexico for the next two years, or can it not do so? The House of Representatives has sent to us a committee of seven of its members to confer with a like committee to be appointed by the Council for the purpose of seeing whether we can or cannot get together, and the question is now before the Council of whether or not we can get together. There were passed in connection with the House appropriation bill what are termed 'riders'; in which a district attorney's bill was attached to it; to which a measure was attached providing for a revision of the laws of the Territory of New Mexico; to which there was attached a bill creating three districts for the inspection of coal oil in the Territory of New Mexico; and other such riders. Those riders, it seems were distasteful to the majority of the members of the Council. Some of them were distasteful to me; others were not distasteful to me. Those which I did not think should have been attached to the appropriation bill I would have voted to have stricken off from the appropriation bill. We cannot agree on the question of whether or not a district attorney should be nominated by the Governor of the Territory of New Mexico or whether he should be nominated by the Legislative Council. There is one of the things which it seems that the Thirty-seventh Legislative Assembly cannot come to an agreement upon. But there is one thing, gentlemen, which we can agree upon, and that is: That we should make appropriations so that the Territorial government may proceed for the next two years under an appropriation bill and will not be compelled to accept the one which was in force two years ago. The House has invited us to confer with them in making an appropriation bill, and if there is not an appropriation bill made by the Thirty-seventh Legislative Assembly the people of the Territory of New Mexico will hold that branch of the Legislature responsible which has failed to honestly try to get together with the other. If, after the conference committee is appointed, and the Council cannot agree to the House bill, or if the House cannot agree to the one which the Council offers to it well and good that the appropriation fail for two years. But we are not confronted with that proposition at this time. The House has come before us and asked the Council to confer with

them upon an appropriation bill. If we fail to meet them in an attempt to reach an agreement the fault is ours. If we do agree with them the question whether it is good legislation or whether it is bad legislation will be judged by the people of the Territory of New Mexico. If the House stands out against the Council—agaainst the members of the Council—in adopting such an appropriation as is agreeable to both Bodies then let the censure lay where it will, but what the Council is confronted with is: That the House is attempting to meet us on the proposition of whether we can agree on an appropriation bill or whether we cannot agree upon it. Now until this conference is held there is no man in this Council can say—no gentleman of this Council can say that we cannot agree upon one.”

Mr. Spiess took the Chair at 4 o'clock.

Mr. Dalies arose for the purpose of making a motion for the appointing of a committee as that appointed by the House, and in that the Speaker of the House was a member of the House Committee that the President of the Council be a member of the Council Committee. Mr. Dalies said:

“Mr. President:

“In connection with this motion I wish to say that I believe that it is entirely nonsensical that we should strive to continue the situation which seems to exist at the present time. There is no denying the fact that there is a spirit of enmity existing between the two branches of this Legislature. I believe that this is one of the times when the hatchet should be buried everlastingly. Every man in the Territory of New Mexico is posted on this appropriation bill; it is a measure that should pass; and I believe that every man in this Assembly has enough good citizenship about him, and public spiritedness, and patriotism and Americanism to meet the measure as it stands and as it comes from the House. Mr. President I make a motion for the appointment of a committee of seven members,” which motion was duly seconded by Mr. Martinez.

Mr. Sargent moved to table the motion indefinitely for the appointing of a committee of seven, which motion was duly seconded by Mr. Miera.

Mr. Dalies withdrew his motion and asked the President to make the motion.

The President announcing that he had authority to appoint the committee without such a motion appointed the following committee as a conference committee to meet the House Committee for the consideration of Council Substitute for House Substitute

for House Bill No. 142: Messrs. Sargent, Sulzer, Dalies, Cameron, Richards, Stockton and Mr. President.

Mr. Sargent moved to discharge the committee of the Council just appointed, which motion was seconded by Mr. Duncan, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Miera, Sargent, Stockton, Sulzer. (6).

Nays: Cameron, Dalies, Martinez, Murray, Richards and Mr. President. (6).

The motion was declared lost.

Council Bill No. 125 was taken up for consideration.

Mr. Martinez moved that the rules be further suspended and that Council Bill No. 125 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

Council Bill No. 125 was declared as having duly passed.

A message from the House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to deliver to this Honorable Body a certified copy of the Report of the Special Committee appointed under authority of House Resolution No. 17, authorizing an investigation of the method of expenditure of certain funds appropriated for postage, express, printing, blanks, etc., for the Auditor's office, together with a copy of the testimony and exhibits of said investigation, which said report was adopted by the Honorable House at its morning session, March 19th, 1907."

Mr. Martinez asked and was granted unanimous consent to introduce a bill.

Council Bill No. 126, by Mr. President: "An Act providing for the purchase of books of accounts for county officials, as provided in Section 2, Chapter 54, Laws of 1903, and additional appropriation for Traveling Auditor's contingent expenses."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 126 be read a second time in full, which motion was

duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Duncan moved that the rules be further suspended and that Council Bill No. 126 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (12).

Nays: None.

Council Bill No. 126 was declared as having duly passed the Council.

Mr. Miera moved that the rules be suspended and that Council Bill No. 105 be taken up out of its regular order, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and the rules stood suspended and Council Bill No. 105 was before the Council.

Council Bill No. 105 was reported as having been returned to the Council by the Committee on Territorial Affairs with a slight amendment recommended, and report of the committee adopted; amendment not adopted. Amendment: "Amend by striking out the words 'six thousand five hundred' and insertng the words 'not to exceed ten thousand.'"

Mr. Miera moved that the amendment be adopted, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried, and the amendment stood adopted.

Mr. Miera moved that the rules be further suspended and that Council Bill No. 105 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried. Read a third time by title preparatory to its passage, being "An Act entitled an act to construct an addition to the present Capitol building, and for the construction of an Executive Mansion, and to purchase certain real estate, and to provide the necessary means therefor, and for other purposes."

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 105 was declared as having duly passed the Council.

Mr. Duncan moved that Council Substitute for Council Bill No. 111 be taken up out of its regular passage under suspension of the rules, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and Council Substitute for Council Bill No. 105 was before the Council.

Council Substitute for Council Bill No. 11 reported as follows:

"Was in the hands of the Railroad Committee, was returned to the Council by that Committee, passed the Council, went to the House, the House added amendment. it came back and was again referred to the Committee on Railroads, which Committee again returned the bill to the Council with the report that the Council do not concur with the House Amendment, the report of the Committee was adopted, consequently the Council has failed to concur with the House Amendment."

Mr. Duncan moved that the Council do non-concur in the amendments of the House to Council Substitute for Council Bill No. 111, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the House amendments to Council Substitute for Council Bill No. 111 were non-concurred in by the Council.

The President appointed the following committee to confer with a like committee of the House in the matter of the amendments of the House to Council Bill No. 111: Mr. Duncan, Mr. Martinez and Mr. Stockton.

Mr. Miera moved that the rules be suspended and that House Bill No. 191 be taken up out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 191 was before the Council.

House Bill No. 191: "An Act to amend Section 10, of Chapter 7, of the Laws of 1905."

Read first time by title.

Mr. Miera moved that the rules be further suspended and that House Bill No. 191 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Miera moved that the rules be further suspended and that House Bill No. 191 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

Mr. President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 191 was declared as having duly passed the Council.

Mr. Duncan moved that the rules be suspended and that House Bill No. 161 be taken up out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and the bill was before the Council.

House Bill No. 161: "An Act to provide for the leasing, sale, management and control of all lands now owned, or hereafter acquired by the Territory of New Mexico, creating a Territorial Public Land Office Commissioner therefor and to prescribe the duties of such office, to provide for the care, custody and disposition of money derived from all Territorial lands by leasing, sales or otherwise, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 161 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title and ordered referred to the Committee on Judiciary.

Mr. Murray being recognized asked and was granted unanimous consent to introduce a bill.

Council Bill No. 127, by Mr. Murray: "An Act to amend an act entitled an act to amend certain provisions of Chapter 45 of the Session Laws of 1905."

Read first time by title.

Mr. Murray moved that the rules be suspended and that Council Bill No. 127 be read a second time in full, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read a second time in full.

Mr. Murray moved that the rules be further suspended and that Council Bill No. 127 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

Council Bill No. 127 was declared as having duly passed the Council.

Mr. President asked the Chairman of the Committee on Municipal and Private Corporations whether that Committee had considered House Bill No. 103, and Mr. Chaves asked consent to make the report.

Mr. Dalies moved that the rules be suspended and that House Substitute for House Bill No. 163 be taken up out of its regular order which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 19th, 1907.

“Mr. President:

“Your Committee on Judiciary, to whom has been referred House Substitute for House Bill No. 163, being “An Act providing for certain unpaid accounts in several counties of New Mexico, and for other purposes,” has had the same under consideration, and I am directed to report the said House Substitute for House Bill No. 163 to the Council with the recommendation that it be amended.

“Amendments to House Bill No. 163: ‘Amend by striking out of line 2, Section 1, of the original bill the words ‘or portions of such’; also strike out of lines 1 and 2 of said Section 1 the words ‘regularly and duly approved’; also by striking out of line 2 of Section 2 the words ‘years 1901 to 1906, inclusive’ and inserting in lieu thereof the words ‘year 1904,’ and that the bill do pass as amended.

“CARL A. DALIES, Chairman.”

Mr. Dalies moved that the report of the Committee on House Substitute for House Bill No. 163 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Mr. Dalies moved that the amendments offered by the Committee on Judiciary to House Substitute for House Bill No. 163 be adopted, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the amendments stood adopted.

House Substitute for House Bill No. 163: “An Act providing for certain unpaid accounts in several counties of New Mexico, and for other purposes.” Read a third time by title.

The President announced the bill as being on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Mr. President. (11).

Nays: Sulzer. (1).

House Substitute for House Bill No. 163 was declared as having duly passed the Council.

Mr. Duncan moved that House Bill No. 103 be taken up out of its regular order under suspension of the rules, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 103 was before the Council.

“Hall of the Council,  
“Thirty-seventh Legislative Assembly,  
“Santa Fe, N. M., March 19th, 1907.

“Mr. President:

“Your Committee on Private and Municipal Corporations, to whom has been referred House Bill No. 103, being ‘An Act to prohibit expectation upon sidewalks, public passes, byways and paths in cities, towns and villages in the Territory of New Mexico, and for other purposes,’ has had the same under consideration, and I am directed to report the said bill to the Council with the recommendation that it be passed.

“JACOBO CHAVES, Chairman.”

Mr. Chaves moved that the report of the Committee on Private and Municipal Corporations on House Bill No. 103 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

House Bill No. 103: “An Act to prohibit expectation upon sidewalks, public passes, byways and paths in cities, towns and villages in the Territory of New Mexico, and for other purposes.”

Read third time in full.

Mr. Dalies moved that House Bill No. 103 be recommitted to the Committee on Judiciary, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and House Bill No. 103 was ordered recommitted to the Committee on Judiciary.

Council Bill No. 128, By Mr. Martinez: “An Act providing funds and making appropriations for the traveling expenses of the district judges and clerks of the District Courts of the Territory of New Mexico.”

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 128 be read a second time by title, which motion was



duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time by title.

Mr. Martinez moved that the rules be further suspended and that House Bill No. 128 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, and upon call of the roll the following vote resulted:

Ayes: Chaves, Dalies, Martinez, Miera, Murray, Richards, Stockton, Mr. President. (8).

Nays: Cameron, Duncan, Sargent, Sulzer. (4).

The rules are declared suspended for the reading of the bill the third time. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Chaves, Martinez, Miera, Murray, Richards, Sargent, Stockton, Mr. President. (8).

Nays: Duncan, Sulzer. (2). Mr. Cameron excused from voting. Mr. Dalies absent.

Council Bill No. 128 was declared as having duly passed the Council.

Council Bill No. 129, by Mr. Martinez: "An Act placing the County of Taos in the First District as established for district attorney purposes by Chapter 33 of the Session Laws of 1905."

Nays: None.

Read first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 129 be read a second time in full, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time in full.

Mr. Martinez moved that the rules be further suspended and that Council Bill No. 129 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. Dalies absent.

Council Bill No. 129 was declared as having duly passed.

Mr. Sargent moved that the Council do now go into Executive Session, which motion was duly seconded by Mr. Miera, was put

to a vote and declared carried, and the Council went into Executive Session at 5:07 p. m.

Council called to order at 5:20 by the President.

Mr. Martinez introduced Council Joint Resolution No. 8, providing for additional pay for the regular employes of the Capitol during Legislative Session, which resolution was read in full.

Mr. Martinez moved that Council Joint Resolution No. 8 be read a second time by title, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a second time by title.

Mr. Martinez moved that the rules be further suspended and that Council Joint Resolution No. 8 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (10).

Nays: None. Mr. Cameron excused from voting.

Council Joint Resolution No. 8 was declared as having duly passed the Council.

Mr. Cameron moved that the rules be suspended and that House Bill No. 107 be taken up out of its regular order, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 107 was before the Council.

House Bill No. 107: "An Act to revise and systematize the school laws of the Territory of New Mexico, and for other purposes."

Read first time by title.

Mr. Cameron moved that the rules be suspended and that House Bill No. 107 be read a second time by title and referred, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Dalies moved that House Bill No. 107 be referred to the Committee on Territorial Affairs, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the bill was ordered referred to the Committee on Territorial Affairs.

Mr. Duncan asked and was granted unanimous consent to introduce a bill.

Council Bill No. 130, by Mr. Duncan: "An Act entitled an act to create Coronado County, and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 130 be read a second time by title, which motion was duly seconded by Mr. Martinez.

Mr. President rules the introduction of the bill as out of order in accordance with Council Resolution No. 2, which had been adopted.

Mr. Duncan appealed from the decision of the Chair and there being no second the appeal was lost and the introduction of the bill declared out of order.

Mr. Chaves moved that the Council do now adjourn until 2 o'clock, which motion was duly seconded by Mr. Dalies, was put to a vote and declared carried, and the Council stood adjourned until 2 o'clock tomorrow afternoon.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.

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## FIFTY-NINTH DAY.

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### AFTERNOON SESSION.

HALL OF THE LEGISLATIVE COUNCIL,  
Santa Fe, N. M., March 20th, 1907.  
Wednesday, 2 o'clock.

Council met pursuant to adjournment and called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Dalies absent.

There being a quorum present the Council proceeded to business.

The President announced having signed the following:

House Bill No. 173: "An Act creating four Armory boards of control and providing for the construction of Armories in the Cities of Santa Fe, Silver City, Las Cruces and Roswell."

House Bill No. 191: "An Act to amend Section 10, of Chapter 7, of the Laws of 1905."

House Bill No. 155: "An Act fixing the times for holding District Courts in Otero and other Counties."

House Bill No. 70: "An Act entitled an act to repeal Sections 1241, 3439, 3440 and 3447 of the Compiled Laws of New Mexico of 1897 and for other purposes."

House Bill No. 199: "An Act to amend Section 124 of the Laws of the Thirty-sixth Legislative Assembly of the Territory of New Mexico and for other purposes."

Mr. Sargent asked and was granted unanimous consent to introduce Council Joint Resolution No. 9: "Providing for an expert examination and investigation of accounts of certain Territorial Officials."

Read first time by title.

Mr. Sargent moved that the rules be suspended and that Council Joint Resolution No. 9 be read a second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and Council Joint Resolution No. 9 was read a second time by title.

Mr. Sargent moved that the rules be further suspended and that Council Joint Resolution No. 9 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and Council Joint Resolution No. 9 was read a third time in full.

Mr. Sargent moved that Council Joint Resolution No. 9 do now pass, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None.

Council Joint Resolution No. 9 was declared as having duly passed the Council.

A message from the Governor of New Mexico was announced and received.

Mr. Sulzer moved that the rules be suspended and that House Bill No. 123 be taken up out of its regular order for consideration, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried.

House Bill No. 123: "An Act to amend the laws relative to the practice of pharmacy in New Mexico."

Read first time by title.

Mr. Sulzer moved that the rules be further suspended and that House Bill No 123 be read a second time by title, which motion

was duly seconded by Mr. Sargent, was put to a vote and declared carried, and House Bill No. 123 was read a second time by title.

Mr. Sulzer moved that the Bill be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Sargent, was put to a vote and declared carried, and House Bill No. 123 was read a third time by title preparatory to its passage.

The President announced House Bill No. 123 on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None.

House Bill No. 123 was declared as having duly passed the Council.

Mr. Miera moved that the rules be suspended and that House Bill No. 186 be taken up out of its regular order for consideration and the Clerk announced that House Bill No. 186 had not been reported by the Committee.

Mr. Martinez moved that the rules be suspended and that House Bill No. 125 be taken up out of its regular order for consideration, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and House Bill No. 125 was taken up for consideration.

House Bill No. 125: "An Act amending Chapter 101 of the Acts of the Legislative Assembly of the Territory of New Mexico of 1905, relative to the National Guard of New Mexico."

Read first time by title.

Mr. Martinez moved that House Bill No. 125 be read a second time in full, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and read a second time in full.

Mr. Martinez moved that the rules be further suspended and that House Bill No. 125 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced House Bill No. 125 on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None.

House Bill No. 125 was declared as having duly passed the Council.

Mr. Duncan moved that this Council do now resolve itself into

Executive Session, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the Council resolved itself into Executive Session at 2:34 o'clock p. m.

Council called to order by the President and a recess was taken until 5 p. m.

Council called to order at 5:35 by the President.

A message from the Governor of New Mexico was announced and received.

Mr. Duncan moved that this Council do now resolve itself into Executive Session, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Council went into Executive Session at 5:47 p. m.

Council called to order at 5:50 p. m. by the President.

A message from the House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly concurred in the passage of Council Bill No. 42: 'An Act providing a method for the assessment of shares of stock in National banks and fixing the duties of the Board of Equalization and in relation thereto.'

"Also that the House has concurred in the passage of Council Bill No. 98: 'An Act repealing Section 8, Chapter 48, of the Session Laws of 1903.'

"Also that the House has concurred in the passage of Council Bill No. 105: 'An Act entitled an act to construct an addition to the present Capitol building and for the construction of an Executive Mansion and to purchase certain real estate and to provide the necessary means therefor and for other purposes.'

"Also that the House has concurred in the passage of Council Bill No. 115: 'An Act to refund to Territorial Institutions moneys in selection and location of public lands, and providing for the payment of future expenses in the selection and location of public lands.'

"Also that the House has concurred in the passage of Council Bill No. 123: 'An Act providing a limitation for actions on municipal bonds and coupons.'

"Also that the House has concurred in the passage of Council Bill No. 124: 'An Act to validate the acts of the officers of the defacto municipality of Gallup and for other purposes.'

"Also that the House has concurred in the passage of Council Bill No. 125: 'An Act to provide for paying salaries and ex-

penses of the Board of Water Commissioners and for other purposes.'

"Also that the House has concurred in the passage of Council Bill No. 128: 'An Act providing fees and making appropriations for the traveling expenses of the District Judges and Clerks of the District Courts of the Territory of New Mexico.'

"Also that the House has concurred in the passage of Council Bill No. 129: 'An Act placing the County of Taos in the First District as established for District Attorney purposes, Chapter 33 of the Session Laws of 1905.'

"Council Joint Resolution No. 8: 'An Act providing for the additional pay for the regular employes of the Capitol.

"Also that the House has amended and duly passed House Bill No. 75: 'An Act creating the County of Artesia and for other purposes.'

"Also that the House has passed House Bill No. 169: 'An Act to amend Section 1527 of the Compiled Laws of New Mexico.'

"Also House Bill No. 186: 'An Act to prevent the sale of intoxicating liquors to Indians.'

"Also House Bill No. 207: 'An Act in relation to bail.'

"Also that the House has amended and duly passed House Bill No. 229: 'An Act entitled an act to amend registration and election Laws of the Territory of New Mexico and for other purposes.'

"Also amended and duly passed House Bill No. 233: 'An Act entitled an act with reference to land grants, and for other purposes.'

"Also that the House has duly passed House Bill No. 238: 'An Act to provide for free access to and use of all exposed and accessible salt belonging to the Territory of New Mexico to residents of said Territory, and for other purposes,' and respectfully asks the concurrence of this Honorable Body therein."

Mr. Sargent moved that hereafter all Council Bills passed by this body be considered Enrolled and Engrossed, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and it was ordered that all Council Bills passed by this body be considered Enrolled and Engrossed.

Mr. Duncan asked unanimous consent to introduce a bill and unanimous consent was granted.

Council Bill No. 130, by Mr. Duncan: "An Act making appropriations for the payment of bills printed in the Spanish language and to pay certain deficiencies and for other purposes."

Read first time by title.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 130 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Duncan moved that the rules be further suspended and that Council Bill No. 130 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Murray, Richards, Sargent, Stockton, Sulzer. (8).

Nays: Cameron, Mr. President. (2).

Motion failed to carry, and the bill was read a third time by title preparatory to its passage.

The President announced Council Bill No. 130 as being on its passage, and upon the call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer. (10).

Nays: Mr. President. (1). One absent.

Council Bill No. 130 was declared as having duly passed the Council.

Mr. Miera moved that the rules be suspended and Governor's Veto Message No. 5 be taken up out of its regular order, which motion was duly seconded by Mr. Duncan, and upon call of the roll the vote resulted:

Ayes: Chaves, Duncan, Miera, Murray, Sargent, Stockton, Sulzer. (7).

Nays: Cameron, Martinez, Richards, Mr. President. (4).

The President announced that not being a two-thirds vote of the Council the motion was declared lost.

Mr. Richards moved that this Council do now adjourn until tomorrow morning at 10 o'clock, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried and the Council stood adjourned until 10 o'clock Thursday morning.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.



**SIXTIETH DAY.**

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**MORNING SESSION.****HALL OF THE LEGISLATIVE COUNCIL,****Santa Fe. N. M., March 21st, 1907.****Thursday, 10 o'clock.**

Council met pursuant to adjournment, called to order by the President.

Prayer by the Chaplain.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Mr. Dalies absent.

There being a quorum present the Council proceeded to business.

Mr. Martinez moved that the reading of the Journal of yesterday's proceedings be dispensed with and that the same stand approved, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Journal of yesterday's proceedings stood approved.

The President announced having signed Council Bills No. 128, 76, 80, 104, Council Joint Resolution No. 7, Council Bill No. 35, Council Bill No. 125, Council Bill No. 115, No. 124, No. 123, No. 105, No. 98, No. 42, No. 129, Council Joint Resolution No. 8.

A message from the Honorable House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House had duly passed Conference Committee Bill No. 249: 'An Act providing and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes.'

"Also has failed to concur in Council Amendment to House Substitute for House Bill No. 163, and has appointed as a conference committee, Messers. Holt, Mirabel and Gallegos, and ask this Honorable Body to appoint a like committee of three to meet and confer with the House Committee on the amendments.'

"Also that the House has duly passed House Substitute for House Bill No. 145: 'An Act to provide for the indeterminate sentence of persons convicted of certain felonies, for the termination of such sentence and for the relief of such persons, and for other purposes.'

:"Also that the House has duly passed House Bill No. 212: 'An

Act concerning civil procedure, and enlarge the scope of the code.'

"Also that the House has duly passed House Bill No. 231: 'An Act with reference to municipal corporations.'

"Also that the House has duly passed House Substitute for House Bill No. 235: 'An Act providing for additional polling places.'

"Also that the House has duly passed House Bill No. 239: 'An Act in reference to holding conventions in Legislative Districts comprised of more than one county.'

"Also that the House has duly passed House Bill No. 241: 'An Act fixing compensation for sheriffs and other officers in certain contingencies.'

"Also that the House has duly passed House Bill No. 244: 'An Act with reference to payment of poll taxes and road taxes.'

"Also that the House has duly concurred in the passage of Council Bill No. 23: 'An Act providing for the taking of depositions of witnesses in the Territory of New Mexico for use in a foreign state, territory or country.'

"Also that the House has duly concurred in the passage of Council Bill No. 44: 'An Act relating to negotiable instruments, being an act to establish a law uniform with the laws of other states on that subject.'

"Also that the House has duly concurred in the passage of Council Bill No. 48: 'An Act to prohibit gambling in the Territory of New Mexico.'

"Also that the House has duly concurred in the passage of Council Bill No. 90: 'An Act entitled an act to exempt from the provisions of Chapter 66 of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, gasoline, naptha and distillate, and for other purposes.'

"Also that the House has duly concurred in the passage of Council Bill No. 94: 'An Act providing for the taxation of express companies.'

"Also that the House has amended and passed Council Bill No. 113: 'An Act to facilitate the collection of poll tax.'

"Also that the House has duly concurred in the passage of Council Bill No. 126: 'An Act providing funds for the purchase of books of accounts for county officials, as provided in Section 2, of Chapter 54, of the Laws of 1903, and additional appropriation for Traveling Auditor's contingent expenses.'

"Also that the House has duly concurred in the passage of Coun-

cil Bill No. 127: 'An Act to amend certain provisions of Chapter 45 of the Session Laws of 1905.'

"And respectfully ask the concurrence of this Honorable Body in the same."

The President announced that it would hereafter be considered that all Council Bills passed by the House were Enrolled and Engrossed.

A message from the Governor of New Mexico was announced and received.

Mr. Duncan moved that the rules be suspended and that House Bill No. 169 be taken out of its regular order and considered, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 169 was before the Council.

House Bill No. 169: "An Act to amend Section 1527 of the Compiled Laws of New Mexico."

Read first time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 169 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 169 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as being on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. Dalies absent.

House Bill No. 169 was declared as having duly passed the Council.

Mr. Sargent moved that the rules be suspended and that Conference Committee Bill No. 249 be taken up for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and Conference Committee Bill No. 249 was before the Council.

Conference Committee Bill No. 249: "An Act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes."

Read first time by title.

Mr. Sargent moved that the rules be further suspended and that Conference Committee Bill No. 249 be read a second time by title, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read a second time by title.

Mr. Sargent asked and was granted unanimous consent to introduce amendments to Conference Committee Bill No. 249 as follows:

"Amend Section 12 by inserting at the bottom of page 9 the following: 'For printing, postage and incidental expenses for the Bureau of Immigration, \$4,000.00, provided that the Bureau of Immigration may appoint one or more agents outside of the Territory to promote and encourage immigration into the Territory of New Mexico.' Mr. Sargent moved that the amendment be adopted, seconded by Mr. Chaves, was put to a vote and declared carried, and the amendment stood adopted.

"Amend Section 6 at the end of said section, by inserting 'for fish and game warden, \$1,800.00.' The adoption of this amendment was put to a vote and declared carried, and the amendment stood adopted.

"Amend Section 12 at the bottom of page 8 by inserting 'for contingent expenses fish and game warden, \$500.00.' The adoption of this amendment was put to a vote and declared carried and the amendment stood adopted.

"Amend Section 6 by inserting at the bottom of page 5 the following: 'For Secretary of Bureau of Immigration, \$1,500.00.' The adoption of this amendment was put to a vote and declared carried and the amendment stood adopted.

"Amend Section 6 on page 6, by changing the amount appropriated for the Board of Equalization so as to read \$1,400.00 instead of \$14,000.00.' The adoption of this amendment was put to a vote and declared carried and the amendment stood adopted."

Mr. Sargent moved that the rules be further suspended and that Conference Committee Bill No. 249 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as being on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. Dalies absent.

Conference Committee Bill No. 249 was declared as having duly passed the Council.

A message from the Governor of New Mexico was announced and received.

Mr. Duncan moved that the rules be suspended for the taking up for consideration of House Bill No. 186, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 186 was before the Council.

House Bill No. 186: "An Act to prevent the sale of intoxicating liquors to Indians."

Read first time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 186 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Mr. Martinez moved that the rules be further suspended and that House Bill No. 186 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. Dalies absent.

House Bill No. 186 was declared as having duly passed.

By unanimous consent reports of Standing Committees were made.

Mr. Miera moved that the rules be suspended and that the report of the Committee on Territorial Affairs on House Bill No. 107 be taken up, and there being no objection the rules were suspended.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 21st, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred House Substitute for House Bill No. 107: 'An Act to revise and systematize the school laws of the Territory of New Mexico, and for other purposes,' has had the same under consideration, and I am directed to report House Substitute for House Bill No. 107 to the Council with the recommendation that it be amended by striking out from Section 18, beginning with the

words 'to be eligible, etc.' and ending with the words 'school months' inclusive, beginning with line 6 and ending with the section, and substitute therefor, 'no person shall be eligible to the office of county superintendent who is not a person of culture and practical experience and learning in those branches of education taught in public schools, as provided by law, and a person of good moral character, such qualifications to be passed upon and approved by the Board of Examiners of each county.' Insert in Section 21 between lines 13 and 14 of the original bill the following: 'Provided, however, that the salaries as fixed by this section shall not in any event exceed one-third of the total amount of money collected in any county from the tax levy for general purposes in any year,' and that the bill do pass with said amendments."

"E. A. MIERA, Chairman."

Mr. Miera moved that the report of the Committee on House Bill No. 107 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Mr. Miera moved that the amendments offered by the Committee on Territorial Affairs to House Substitute for House Bill No. 107 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendments stood adopted.

Mr. Miera moved that the bill be laid on the President's table, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the bill was laid on the President's table.

Mr. Martinez moved that the Council go into recess until 2 o'clock, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried and the Council stood in recess until 2 p. m.

#### AFTERNOON SESSION.

Council met pursuant to recess, called to order by the President at 2 o'clock p. m.

Upon call of the roll the following members responded, to-wit: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. Mr. Dalies absent.

There being a quorum present the Council proceeded to business.

The President appointed a Conference Committee on House Bill No. 163, consisting of three members, Mr. Martinez, Mr. Duncan and Mr. Chaves to confer with a like committee from the House of Representatives.

Unanimous consent was asked to make reports and to introduce bills and unanimous consent was granted.

Mr. Miera moved that House Substitute for House Bill No. 107 be taken up out of its regular order for consideration, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and House Substitute for House Bill No. 107 was before the Council.

House Substitute for House Bill No. 107 reported from the House with amendments, amendments read.

"Amend by striking out from Section 18, beginning with the word 'to be eligible, etc.' and ending with the word 'school months' inclusive, beginning in line 6 and ending with the section, and substitute therefor the following: 'No person shall be eligible to the office of county superintendent of schools who is not a person of culture and practical experience and learning in those branches of education taught in public schools, as provided by law, and a person of good moral character, such qualifications to be passed upon and approved by the Board of Examiners of each county. Provided this section shall not take effect until January 1st, 1909.'

"Insert in Section 21 between lines 13 and 14 of the original bill, the following: 'Provided, however, that the salaries fixed by this section shall not in any event exceed one-third of the total amount of money collected in any county from the tax levy for general school purposes in any year. Provided, this section shall not take effect until January 1st, 1909.'"

Mr. Miera moved that the amendments be adopted, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried and amendments stood adopted.

Mr. Miera moved that Amended House Substitute for House Bill No. 107 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. Dalies absent.

Amended House Substitute for House Bill No. 107 was declared as having duly passed the Council.

Mr. Duncan moved that the rules be suspended and that House Bill No. 144 be taken up out of its regular order for considera-

tion, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and House Bill No. 144 was before the Council.

House Bill No. 144: "An Act providing a fund for disabled firemen, their widows and orphans and for other purposes."

Read a first time by title.

Mr. Duncan moved that the rules be further suspended and that House Bill No. 144 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the Bill on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

House Bill No. 144 was declared as having duly passed the Council.

Mr. Richards moved that the rules be suspended and that Council Bill No. 113 be taken up out of its regular order, which motion was duly seconded by Mr. Stockton, put to a vote and declared carried and Council Bill No. 113 was before the Council.

Council Bill No. 113: "An Act to facilitate the collection of poll and road taxes, by requiring the employer of persons liable therefor to pay such taxes, and deduct the amount thereof from the wages of such employes."

Read a first time with amendment from the House.

Mr. Cameron moved that the Council do concur in the House amendment to Council Bill No. 113, which motion was duly seconded by Mr. Richards, put to a vote and declared carried, and amendment stood adopted.

Mr. Richards called to the chair at 3:05 p. m.

Mr. Cameron moved that the rules be suspended and that House Bill No. 103 be taken up out of its regular order, which motion was duly seconded by Mr. Miera, put to a vote and declared carried, and House Bill No. 103 was before the Council.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 21th, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Bill No. 103: 'An Act to prohibit extortionation upon side-



walks, public passes, by-ways and paths in cities, towns and villages in the Territory of New Mexico, and for other purposes,' has had the same under consideration, and I am directed to report the said House Bill No. 103 to the Council with the recommendation that it be 'amended by striking out from said bill Section 5 thereof and that Section 6 be made Section 5' and that it be passed as amended.

"J. O. CAMERON, for Committee."

Mr. Cameron moved that the report with amendments be adopted, which motion was duly seconded by Mr. Sulzer, put to a vote and declared carried and the report and amendments stood adopted.

Mr. Cameron moved that House Bill No. 103 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Sulzer, put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

House Bill No. 103 was declared as having duly passed the Council.

Mr. Miera moved that the rules be suspended and that House Substitute for House Bill No. 29 be taken up out of its regular order for consideration, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried, and House Substitute for House Bill No. 29 was before the Council.

House Substitute for House Bill No. 29: "An Act to amend Chapter 38 of the Acts of the Thirty-fifth Legislative Assembly of New Mexico."

The report of the Committee has been adopted and the Bill is on its third reading.

Mr. Miera moved that House Substitute for House Bill No. 29 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a third time in full preparatory to its passage.

The President announced the bill as on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

House Substitute for House Bill No. 29 was declared as having duly passed the Council.

Mr. Spiess asked that the rules be suspended for the introduction of a bill, and the rules were declared suspended.

Council Bill No. 131, by Mr. Spiess: "An Act to provide for the refunding to certain counties of the excess amount paid into the Territorial treasury, under and by virtue of Section 9 of Chapter 89, Laws of 1903."

Read a first time by title.

Mr. Spiess moved that the rules be suspended and that Council Bill No. 131 be read a second time in full, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time in full.

Mr. Spiess moved that the rules be further suspended and that Council Bill No. 131 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a third time by title preparatory to its passage. The Chair announced the bill on its passage and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None.

Council Bill No. 131 was declared as having duly passed the Council.

Mr. President took the chair at 3:23 o'clock.

Mr. Martinez moved that the rules be suspended for the introduction of Council Bill No. 132: "An Act providing for the assessment of sheep belonging to non-residents and for other purposes."

Which motion was duly seconded by Mr. Duncan. Motion was objected to by Mr. Miera, and the President called for a standing vote, there being but two in favor of the objection, the motion to suspend the rules was before the Council, put to a vote and declared carried and the rules are suspended.

Council Bill No. 132: "An Act providing for the assessment of sheep belonging to non-residents and for other purposes."

Read a first time by title.

Mr. Martinez moved that the rules be further suspended and that Council Bill No. 132 be read a second time by title, which motion was duly seconded by Mr. Duncan, a standing vote was

called and there being four in the affirmative and four in the negative the motion was lost and the rules are not suspended.

Council Bill No. 133, by Mr. Martinez: "An Act to provide for the revision of the Laws of the Territory of New Mexico."

Read a first time by title.

Mr. Martinez moved that the rules be suspended and that Council Bill No. 133 be read a second time in full, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried. Read a second time in full.

Mr. Miera moved that the rules be further suspended and that Council Bill No. 133 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a third time by title preparatory to its passage. The President announced the bill on its passage and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton and Mr. President. (9).

Nays: Cameron, Sulzer. (2). One absent.

Council Bill No. 133 was declared as having duly passed the Council.

Mr. Miera moved that the rules be suspended and that Council Bill No. 132 be taken up and read a third time by title, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a third time by title preparatory to its passage. The President announced the bill on its passage and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Sargent, Stockton, Sulzer and Mr. President. (9).

Nays: Cameron. (1). Richards was excused from voting. One absent.

Council Bill No. 132 was declared as having duly passed the Council.

Council Bill No. 134, by Mr. Martinez: "An Act amending House Bill No. 249, 'Providing for appropriations and for other purposes.'"

Read a first time by title.

Mr. Miera moved that the rules be suspended and that Council Bill No. 134 be taken up for consideration, which motion was duly seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Murray, Richards and Mr. President. (6).

Nays: Miera, Sargent, Stockton and Sulzer. (4). Cameron was excused from voting.

Six not being a two-thirds vote, the motion was declared lost.

Mr. Cameron moved that this Council take a recess for thirty minutes, which motion was duly seconded by Mr. Richards, put to a vote and declared carried, and Council stood in recess for thirty minutes.

Council was called to order at 5 o'clock by the President.

Mr. Miera moved that the rules be suspended and that House Bill No. 36 be taken up out of its regular order for consideration, which motion was duly seconded by Mr. Duncan, put to a vote and declared carried, and House Bill No. 36 was before the Council under suspension of the rules.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 21st, 1907.

"Mr. President:

"Your Committee on Territorial Affairs, to whom has been referred House Bill No. 36: 'An Act creating the office of Inspector of Weights and Measures in the several Counties of the Territory of New Mexico,' has had the same under consideration, and I am directed to report the said bill favorably to the Council with the recommendation that it be passed with the amendments hereto attached.

"E. A. MIERA, Chairman."

Amend Section 2 of said House Bill No. 36 by adding thereto the following:

"The Secretary of the Territory is hereby authorized and directed to purchase through the National Bureau of Standards as soon as possible after the passage of this Act, a complete set of standards of weights and measures duly tested and certified to by said bureau, which set of standards shall be kept in the office of the Secretary at the Territorial Capitol.

"There is hereby appropriated out of any funds in the Territorial treasury, except the interest fund, the sum of five hundred dollars for the purchase of said set of standards, which shall be paid upon warrant drawn by the Territorial Auditor supported by certified voucher of the Secretary of the Territory.

"The Board of County Commissioners of each county in this Territory is hereby authorized and directed to purchase as soon as possible after the passage of this Act, through the Secretary of this Territory, a complete set of standards for the use of the

Inspector of Weights and Measures for such county, which set of standards shall conform as to accuracy with the Territorial set of standards in the office of the Secretary of the Territory."

Amend said House Bill No. 36 by inserting immediately after Section 5 the following:

"Sec. 6. Any person who sells or offers for sale any commodity whatsoever by any false weight or measure, not corresponding with the weights and measures adopted by the United States Government and in use by such government, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars; and upon a second conviction for a like offence, any license under which he may be doing business shall be revoked and no license shall be granted to such person to engage in the same business or occupation for a period of one year thereafter. Such person shall also forfeit to any person injured by the commission of such offense the sum of twenty-five (\$25.00) dollars to be recovered in a civil action, either before or after conviction.

"Sec. 7. The office of inspector of weights and measures may be created by any incorporated city, town or village, under this Act, by ordinance, and his duties, fees, and emoluments fixed by said ordinance. Such ordinance shall otherwise conform to the provisions of this Act. Whenever such office is so created by any municipality, the duties of the Inspector of Weights and Measures appointed by the Board of County Commissioners shall be confined to the parts of the county outside of the city, town or village creating such office by such ordinance."

"Amend 'Section 6' of said House Bill No. 36 to read 'Section 8.'"

Mr. Cameron moved that the rules be suspended for the taking up of House Bill No. 161, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the rules stood suspended and House Bill No. 161 was before the Council.

"Hall of the Council,

"Thirty-seventh Legislative Assembly,

"Santa Fe, N. M., March 21st, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred House Bill No. 161: 'An Act providing for the leasing, sale, management and control of lands, etc., in the Territory of New Mexico,' has had the same under consideration, and I am directed

to report the said bill to the Council with the recommendation that it be amended as follows:

"1. Amend Section 5 by striking out from lines 14, 15 and 16 of the printed bill the words, 'at a salary of twelve hundred dollars per annum, payable monthly, one bookkeeper at a salary of one hundred dollars per month,' and substitute therefor the following: 'for salary and expenses of said agent there is hereby appropriated and allowed the sum of \$1,200.00 per annum or so much thereof as may be necessary, payable monthly.'

"2. Amend Section 8 by striking out the whole thereof and substitute as Section 8 the following: 'Section 8. All moneys received by the Commissioner of Public Lands from leasing, sale, management or control of Territorial lands shall be, upon the tenth day of each month after the receipt thereof, transferred and paid over to the Territorial Treasurer and all disbursements made from said moneys in payment of salaries and expenses as herein provided for shall be made as now provided by law upon vouchers bearing like numbers, definitely setting forth the account governed thereby with an itemized statement of said account, and receipted bills when possible attached thereto; all of the said vouchers to be approved by said commissioner and deposited with the Territorial Auditor and become and form a part of the records of his office.'

"3. Amend Section 20 by inserting after the words 'New Mexico' in line 3 of page 17 of the printed bill the words 'or the District Attorney of the district wherein any such proceeding may be instituted.'

"4. Amend Section 31 by inserting after the word 'money' in line 16 on page 25 of the printed bill the words 'less the amount thereof necessary for the payment of the salaries and expenses as by this act provided to be paid therefrom.'

"5. Amend Section 32 by inserting therein after the word 'shall' in line 14 on page 26 of the printed bill the words 'less the amount thereof necessary for the payment of the salaries and expenses as hereby required to be paid therefrom.'

"And your Committee recommend that the said House Bill No. 161 be passed with the amendments as hereinbefore set out.

"J. O. CAMERON, for Committee, Chairman."

Mr. Cameron moved that the report of the Committee on Judiciary on House Bill No. 161 be adopted, which motion was duly seconded by Mr. Murray, put to a vote and declared carried, and the report stood adopted. Mr. Cameron moved that the amend-

ments offered by the Committee on Judiciary to House Bill No. 161 be adopted, which motion was duly seconded by Mr. Murray, put to a vote and declared carried, and the amendments stood adopted.

Mr. Cameron moved that House Bill No. 161 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Murray, put to a vote and declared carried.

House Bill No. 161: "An Act entitled an act to provide for the leasing, sale, etc., of lands in New Mexico."

Read a third time by title.

The President announced the Bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays: None. One absent.

House Bill No. 161 was declared as having duly passed.

Message from the House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has amended and duly passed Council Substitute for Council Bill No. 11: 'An Act for assessment and collection of taxes on sleeping cars, and repealing Sections 4118, 4119, 4120 and 4121 of the Compiled Laws of 1897.'

"Also that the House has amended and duly passed Council Bill No. 130: 'An Act making appropriations for the payment of bills printed in the Spanish language and pay certain deficiencies.'

"Also that the House has duly passed Council Bill No. 131: 'An Act to provide for the refunding to certain counties of the excess amounts paid into the Territorial Treasury under certain sections of the statutes.'

"Also that the House has duly passed House Bill No. 178: 'An Act to abolish the office of public printer, and for other purposes,' the veto of the Governor of New Mexico thereto to the contrary notwithstanding.

"Also that the House has duly passed House Bill No. 189: 'An Act entitled an act to enforce better observance of the Sabbath Day.'

"Also that the House has duly passed House Bill No. 206: 'An Act to amend Section 1546 of the Compiled Laws of the Territory of New Mexico.'

"And respectfully ask the concurrence of this Honorable Body to said measures."

Mr. Martinez moved that the rules be suspended and that House Bill No. 135 be taken up, which motion was duly seconded by Mr. Murray, and upon call of the roll the following vote resulted:

Ayes: Cameron, Martinez, Murray, Richards, Sulzer and Mr. President. (6).

Nays: Chaves, Duncan, Miera, Sargent and Stockton. (5).  
One absent.

The motion was declared lost.

Mr. Richards moved to suspend the rules for the taking up of House Bill No. 238.

Mr. Duncan moved that Council Substitute for Council Bill No. 11 be taken up under suspension of the rules, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the rules stood suspended and Council Substitute for Council Bill No. 11 was before the Council.

Report of the Conference Committee on Council Substitute for Council Bill No. 11 was read as follows:

"Your Conference Committee heretofore appointed to confer with a like Committee from the Honorable Legislative Council in the matter of the non-concurrence of the Legislative Council in the amendment to the Council Substitute for Council Bill No. 11 offered by the Honorable House of Representatives, begs leave to report that your conferees recommend that the House of Representatives recede from its amendment to Section 7 of said Council Substitute and recommend that the same be stricken from the Bill. Your Conferees also report and recommend that in line 3 of Section 2 of said Substitute and word 'April' be inserted in place of the word 'March' and further recommend that in Section 7 of said Council Substitute, in line 1, after the word 'who,' the words 'knowingly and wilfully, with a purpose to deceive' be inserted. And further recommend that, with these substitutions and amendments, and the elimination of the said House amendments to Section 7, the said Council Substitute for Council Bill No. 7 do pass.

"J. S. DUNCAN, Chairman, Council Con. Com.

"H. B. HOLT, Chairman, House Con. Com."

Mr. Duncan moved that the report of the Conference Committee on Council Substitute for Council Bill No. 11 be adopted, which motion was duly seconded by Mr. Cameron, put to a vote and declared carried and the report stood adopted.



Mr. Duncan moved that the amendments offered to Council Substitute for Council Bill No. 11 be adopted, which motion was duly seconded by Mr. Murray, put to a vote and declared carried, and the amendments stood adopted. Mr. Duncan moved that the bill do pass as amended, which motion was seconded by Mr. Martinez, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (11).

Nays, none. One absent.

Council Substitute for Council Bill No. 11 was declared as having duly passed.

Mr. Richards moved that the rules be suspended and that House Bill No. 238 be taken up, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the rules stood suspended and House Bill No. 238 was before the Council.

House Bill No. 238: "An Act to provide for free access to and use of all exposed and accessible salt belonging to the Territory of New Mexico, by residents of said Territory, and for other purposes."

Read a first time by title.

Mr. Richards moved that the rules be further suspended and that House Bill No. 238 be read a second time by title, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a second time by title. Mr. Richards moved that the rules be further suspended and that House Bill No. 238 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried. Read a third time in full preparatory to its passage.

The President announced the Bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer and Mr. President. (10).

Nays: None.

One absent. Mr. Cameron excused from voting.

House Bill No. 238 was declared as having duly passed.

A message from the Governor of New Mexico was announced and received.

Mr. Miera moved that the rules be suspended and that House Bill No. 223 be taken up for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 223 was before the Council.

A message from the House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has amended and duly passed Council Bill No. 95: 'An Act to amend Section 2, Chapter 9, of the Acts of the Thirty-fourth Legislative Assembly of New Mexico, relating to railroads.'

"Also that the House has concurred in the passage of Council Bill No. 132: 'An Act to provide for the assessment of sheep belonging to non-residents, and for other purposes.'

"Also that the House has duly concurred in the passage of Council Bill No. 133: 'An Act to provide for the revision of the laws of the Territory of New Mexico.'

"Also that the House has duly passed House Bill No. 245: 'An Act providing for the election of District Attorneys in the several District Attorneys Districts of the Territory of New Mexico.'

"Also that the House has duly passed House Bill No. 248: 'An Act entitled an act regulating the assessments of sheep and for other purposes.'

"And respectfully ask the concurrence of this Honorable Body in said measures."

Mr. Sargent moved that the rules be suspended for the taking up of House Bill No. 248, which motion was duly seconded by Mr. Martinez.

Mr. Miera moved that the rules be suspended and that House Bill No. 223 be taken up for consideration, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried, and the rules stood suspended and House Bill No. 223 was before the Council.

House Bill No. 223: "An Act to amend Chapter 97 of the Session Laws of 1905."

Read a first time in full.

Mr. Miera moved that the rules be suspended and that House Bill No. 223 be read a second time by title, which motion was duly seconded by Mr. Martinez, put to a vote and declared carried.

Read a second time by title.

Mr. Miera moved that the rules be further suspended and that House Bill No. 223 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The president announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None.

One absent.

House Bill No. 223 was declared as having duly passed the Council.

Mr. Sargent moved that House Bill No. 248 be taken up out of its regular order under suspension of the rules which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 248 was before the Council.

House Bill No. 248: "An Act regulating assessment of sheep, and for other purposes."

Read first time in full.

Mr. Richards moved that the bill be laid on the table indefinitely, and there being no second the motion was lost.

Mr. Cameron moved that the bill be laid on the table indefinitely, which motion was duly seconded by Mr. Chaves and Mr. Richards, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Murray, Richards, Stockton, Sulzer, Mr. President. (8).

Nays: Martinez, Miera, Sargent. (3).

The Bill was ordered laid on the table indefinitely.

Mr. Duncan moved that the rules be suspended and that the amendments offered by the Committee on Territorial Affairs to House Bill No. 36 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the amendments stood adopted.

Mr. Duncan moved that the bill be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried.

House Bill No. 36: "An Act entitled an act creating the office of Inspector of Weights and Measures in the several counties of the Territory of New Mexico."

Read third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon the call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (10).

Nays: None. Mr. Cameron excused from voting. Mr. Dalies absent.

House Bill No. 36 was declared as having duly passed the Council.

Mr. Martinez moved that the rules be suspended and that House Bill No. 244 be taken up, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 244 was before the Council.

House Bill No. 244: "An Act with reference to the payment of poll tax and road tax."

Read first time by title.

Mr. Martinez moved that the rules be further suspended and that House Bill No. 244 be read a second time in full for information, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried. Read a second time in full.

Mr. Richards moved that the bill be tabled, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the bill was ordered laid on the table.

Mr. Duncan moved that the rules be suspended and that Council Bill No. 95 be taken up for consideration, which motion was duly seconded by Mr. Chaves, was put to a vote and declared carried, and the rules stood suspended and Council Bill No. 95 was before the Council.

Mr. Duncan moved that the Council concur in the amendments offered by the House to Council Bill No. 95, which amendments are as follows:

"Amend Council Bill No. 95 by inserting between the words 'repeal' and the word 'and' in the second line of Section 2 of said Act, the following: 'But this Act shall not be construed as in any manner modifying, qualifying or repealing Section 3877 of the Compiled Laws of New Mexico of 1897, or affecting any suit or action commenced or pending.' Amend Council Bill No. 95 by striking out in Section 1 of said act the following: 'And prosecute the same with reasonable diligence' and insert in lieu thereof 'and complete the same within six years.'"

Mr. Duncan's motion to concur in the amendments was seconded by Mr. Martinez, was put to a vote and declared carried, and the amendments stood concurred in and the President announced Council Bill No. 95 as duly passed the Council.

Mr. Richards moved that the rules be suspended and that House Bill No. 245 be taken up for consideration, which motion was duly

seconded by Mr. Cameron, and, upon call of the roll the following vote resulted:

Ayes: Cameron, Martinez, Miera, Richards, Mr. President. (5).

Nays: Chaves, Duncan, Murray, Sargent, Stockton, Sulzer. (6).

One absent.

Motion was declared lost.

The President announced being in receipt of a communication from the Governor of New Mexico, to the effect that the Governor was desirous that the Council take recess to meet again at 8 o'clock.

Mr. Cameron moved that the rules be suspended and that House Substitute for House Bill No. 116 be taken up, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the rules stood suspended and House Substitute for House Bill No. 116 was before the Council.

House Substitute for House Bill No. 116 was reported on the President's table.

Mr. Cameron moved that the rules be suspended and that House Substitute for House Bill No. 116 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried.

House Substitute for House Bill No. 116: "An Act providing for registration of births and deaths, and for other purposes."

Read a third time by title preparatory to its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. Dalies absent.

House Bill No. 116 was declared as having duly passed the Council.

Mr. Sargent moved that the rules be suspended and that House Bill No. 195 be taken up for consideration, which motion was duly seconded by Mr. Cameron, was put to a vote and declared carried, and the rules stood suspended and the bill ordered before the Council.

House Bill No. 195: "An Act entitled an act to amend Section 3902 of the Compiled Laws of 1897, with reference to railroad rates."

The bill was reported as being still in the hands of the Committee."

Mr. Duncan moved that the Council resolve itself into Executive Session, which motion was duly seconded by Mr. Stockton, was

put to a vote and declared carried, and the Council went into Executive session at 6 o'clock p. m.

Council called to order at 6:20 p. m. by the President.

Mr. Cameron moved that the rules be suspended and that Council Bill No. 122 be taken up for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and Council Bill No. 122 was before the Council.

"Hall of the Council,  
"Thirty-seventh Legislative Assembly,  
"Santa Fe, N. M., March 21st, 1907.

"Mr. President:

"Your Committee on Judiciary, to whom has been referred Council Bill No. 122: 'An Act to empower school directors to sell property not necessary or useful for school purposes,' has had the same under consideration, and I am directed to report the said Council Bill to the Council with the recommendation that it be passed.

"J. O. CAMERON, for Committee Chairman."

Mr. Cameron moved that the report of the Committee on Judiciary on House Bill No. 122 be adopted, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the report stood adopted.

Council Bill No. 122: "An Act entitled an act to empower school directors to sell property not necessary or useful for school purposes."

Read a third time by title.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Cameron, Chaves, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. One absent.

Council Bill No. 122 was declared as having duly passed.

The President announced that the Governor was waiting to receive word from the Council as to recess.

Mr. Duncan moved that the Council go into recess until 8:30 p. m., which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Council went into recess until 8:30 p. m.

## EVENING SESSION.

Council met pursuant to recess, called to order by the President.  
Thursday, 8:30 o'clock p. m.

Upon call of the roll the following members responded, to-wit:  
Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards Sargent, Stockton, Sulzer and Mr. President.

There being a quorum present the Council proceeded to business.

“Territory of New Mexico.

“OFFICE OF THE EXECUTIVE,

“Santa Fe, March 21st, 1907.

“Hon. Chas. A. Spiess, President of the Council.

“Mr. President:

“I have the honor to inform you that I have signed the following bills:

“Council Bill No. 41: ‘A general Act relating to negotiable instruments, being an act to establish a law uniform with the laws of other states on that subject.’

“Council Bill No. 23: ‘An Act providing for the taking of depositions of witnesses in the Territory of New Mexico, for use in a foreign state, territory or country.’

House Bill No. 144: ‘An Act providing for a fund for disabled firemen, their widows and orphans and for other purposes.’

“House Bill No. 103: ‘An Act to prohibit expectoration upon sidewalks, public passes, by-ways and paths in cities, towns and villages in the Territory of New Mexico, and for other purposes.’

House Substitute for House Bill No. 29: ‘An Act to amend Chapter 38 of the Acts of the Thirty-fifth Legislative Assembly of New Mexico.’

House Bill No. 186: ‘An Act to prevent the sale of intoxicating liquors to Indians.’

“Conference Committee Bill No. 249: ‘An Act providing funds and making appropriations for the fifty-ninth and sixtieth fiscal years, and for other purposes,’ reported by Conference Committee.

“Respectfully yours,

“H. J. HAGERMAN,

“Governor of New Mexico.”

“Message 35.

A message from the House of Representatives was announced and received as follows:

“Mr. President:

“I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly passed House

Bill No. 251: 'An Act to amend Section 2, of Chapter 51, of the Acts of the Thirty-sixth Assembly of New Mexico, approved March 13th, 1905, relative to the dove and quail season, and for other purposes.'

"Also that the House has receded from its position of nonconcurrency in Council amendments to House Substitute for House Bill No. 163, and has duly concurred in said amendments."

Mr. Cameron moved that the rules be suspended and that House Bill No. 145 be taken up for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and failed to carry and the motion was declared lost.

Mr. Duncan moved that a committee of three be appointed to notify the Governor that this Council was ready to adjourn, which motion was seconded by Mr. Murray, and the motion was further extended so that the Committee that wait upon the governor also notify the House of Representatives.

The President announced that he had received a communication from the Governor in which he expressed the desire that the Council remain in session for some time still.

Mr. Miera moved that the rules be suspended and that House Bill No. 189 be taken up for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 189 was before the Council.

House Bill No. 189: "An Act to enforce better observance of the Sabbath Day."

Read first time by title.

Mr. Miera moved that the rules be further suspended and that House Bill No. 189 be read a second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Miera moved that the rules be further suspended and that House Bill No. 189 be read a third time in full preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time in full preparatory to its passage.

The President announced the bill as on its passage and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Miera, Murray, Stockton, Mr. President. (7).

Nays: Cameron, Dalies, Richards, Sargent, Sulzer. (5).

House Bill No. 189 was declared as having duly passed Council.

Mr. Richards moved that the rules be suspended and that House



Bill No. 212 be taken up for consideration, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 212 was before the Council.

House Bill No. 212: "An Act concerning civil procedure and enlarging the scope of the code."

Read first time by title.

Mr. Richards moved that the rules be further suspended and that House Bill No. 212 be read a second time by title, which motion was duly seconded by Mr. Murray, was put to a vote and declared carried. Read a second time by title.

Mr. Richards moved that the rules be further suspended and that House Bill No. 212 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon call of the roll the following vote resulted:

Ayes: Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (11).

Nays: None. Mr. Cameron excused.

House Bill No. 212 was declared as having duly passed the Council.

Mr. Murray moved that the rules be suspended and that House Bill No. 251 be taken up for consideration, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Bill No. 251 was before the Council.

House Bill No. 251: "An Act to amend Section 2, Chapter 51, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 13th, 1905, relative to the dove and quail season, and for other purposes."

Read first time by title.

Mr. Murray moved that the rules be further suspended and that House Bill No. 251 be read a second time by title, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time by title.

Mr. Murray moved that the rules be further suspended and that House Bill No. 251 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage, and upon call of the roll the following members responded, to-wit:

Ayes: Cameron, Chaves, Dalies, Duncan, Martinez, Miera, Murray, Richards, Sargent, Stockton, Sulzer, Mr. President. (12).

Nays: None.

House Bill No. 251 was declared as having duly passed the Council.

Mr. Richards moved that the rules be suspended and that House Substitute for House Bill No. 111 be taken up, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the rules stood suspended and House Substitute for House Bill No. 111 was before the Council.

House Substitute for House Bill No. 111: "An Act relative to the storing of dynamite, and for other purposes."

Read first time by title.

Mr. Richards moved that the rules be further suspended and that House Substitute for House Bill No. 111 be read a second time in full, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a second time in full.

Committee from the House of Representatives announced and received.

Mr. Abbott, Chairman of the Committee, said:

"Mr. President:

"The House of Representatives has failed to concur in the Council amendments to House Bill No. 161 and a committee of three has been appointed as a conference committee, and request that a like committee from the Council be appointed to confer with the House Committee on House Bill No. 161, known as the Land Commissioner Bill."

The President appointed as a Conference Committee to meet with a like Committee from the House to confer on House Bill No. 161, Mr. Miera, Mr. Sulzer and Mr. Cameron.

Mr. Cameron asked that the Conference Committee be excused from the Council to meet with the Committee from the House on House Bill No. 161, and the Committee was excused.

Mr. Richards moved that the rules be further suspended and that House Substitute for House Bill No. 111 be read a third time by title preparatory to its passage, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried. Read a third time by title preparatory to its passage.

The President announced the bill as on its passage and upon call of the roll the following vote resulted:

Ayes: Chaves, Duncan, Martinez, Murray, Richards, Sargent, Stockton, Mr. President. (8).

Nays: Dalies. (1). Three members out on committee.

House Substitute for House Bill No. 111 was declared as having duly passed the Council.

A message from the Honorable House of Representatives was announced and received as follows:

"Mr. President:

"I am directed by the Honorable House of Representatives to inform this Honorable Body that the House has duly concurred in Council Bill No. 60 as amended, being 'An Act to repeal an act of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, entitled An Act authorizing County Commissioners to levy a tax for court house and jail purposes.'"

Mr. Duncan moved that the Council go into recess for half an hour, which motion was duly seconded by Mr. Martinez, was put to a vote and declared carried, and the Council went into recess at 10 o'clock p. m.

Council called to order at 11 o'clock by the President.

A committee from the House of Representatives announced and received:

Mr. Abbott, Chairman of the Committee, stated:

"Mr. President:

The Lower House has appointed a Committee for the purpose of informing this Honorable Council that the House has finished its labors and is ready to fix a time at which to adjourn, and is desirous to know at what time the Council wishes to adjourn."

The President said:

"The Chair will announce to the Committee from the House, as the Chair is at present informed the Council is ready to adjourn. The Chair will also announce to the Committee from the House that the Council has not yet received any communications from the Governor of New Mexico that he has signed the bills which are before him, and the Council desires to wait until such word is received from the Governor before adjourning."

Mr. Abbott said:

"I would suggest that when the Honorable Council determines the hour at which it desires to adjourn that a Committee from the Council be appointed to so inform the House."

The President announced that the Chair would appoint such a Committee.

Mr. Cameron moved that a committee of five be appointed to

wait upon the Governor to inform him that the Council had concluded its labors, which motion was duly seconded by Mr. Miera, was put to a vote and declared carried, and the Chair appointed Mr. Duncan, Mr. Richards, Mr. Cameron, Mr. Miera and Mr. Chaves as a committee to wait upon the Governor, and the Council stood in recess until the return of the Committee.

The Committee returned to the Council Hall and Mr. Cameron said:

"Mr. President:

"I am instructed by the Committee which was appointed to wait upon the Governor to advise the Council that the Governor informed this Committee that he had just sent a communication to the Council advising it of his action in the matter of bills which have been before him, and that after receiving that communication we are at liberty, so far as the Executive is concerned, to adjourn."

The President stated:

"The Chair would suggest that this same committee which waited upon the Governor proceed to the Hall of the House of Representatives and announce to the House that the Council has completed its labors and is simply awaiting communication from the Governor of New Mexico."

Upon return of the Council Committee from the House of Representatives, Mr. Cameron said:

"Mr. President:

"I have to announce that your Committee has, in accordance with the instruction of Mr. President, proceeded to the Honorable House of Representatives of the Thirty-seventh Legislative Assembly and advised them that this body had completed its labors and was ready to adjourn sine die."

Mr. President announced having signed the following:

"Council Bill No. 41, Council Bill No. 23, House Bill No. 144, House Bill No. 103, House Substitute for House Bill No. 29, House Bill No. 186, Conference Committee Bill No. 249, Council Bill No. 60, Council Substitute for Council Bill No. 11, Council Bill No. 42, House Substitute for House Bill No. 111, House Bill No. 161, House Bill No. 223, House Substitute for House Bill No. 116, Council Bill No. 131, Council Bill No. 128, Council Bill No. 95, Council Bill No. 133, Council Bill No. 113, Council Bill No. 132, Council Bill No. 169, House Bill No. 36, House Substitute for House Bill No. 107."

A message from the Governor of New Mexico was announced and received as follows:

"Message No. 38.

"Territory of New Mexico.

"OFFICE OF THE EXECUTIVE.

"Santa Fe, March 21st, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have signed the following bills:

"Council Bill No. 60: 'An Act to repeal an act of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, entitled an act authorizing County Commissioners to levy tax for court house and jail building purposes, approved March 13th, 1905, and for other purposes.'

"Council Substitute for Council Bill No. 11: 'An Act for the assessment and collection of taxes on sleeping cars and repealing Sections 4118, 4119, 4120 and 4121 of the Compiled Laws of 1897.'

Council Bill No. 42: 'An Act providing a method for the assessment of shares of stock of National and other banks and to fix the duties of the Board of Equalization in relation thereto.'

"House Substitute for House Bill No. 111: 'An Act to amend Section 2, of Chapter 51, of the Acts of the Thirty-sixth Legislative Assembly of New Mexico, approved March 13th, 1905, relative to the dove and quail season, and for other purposes.'

"House Bill No. 161: 'An Act to provide for the leasing, sale, management and control of all lands now owned or hereafter acquired by the Territory of New Mexico.'

"Message 38.

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

"Message No. 36.

"Territory of New Mexico.

"OFFICE OF THE EXECUTIVE.

"Santa Fe, March 21st, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have signed the following bills:

"House Bill No. 223: 'An Act to amend Chapter 97 of the Session Laws of 1905.'

"House Substitute for House Bill No. 116: 'An Act providing for registration of births and deaths, and for other purposes.'

"Council Bill No. 131: 'An Act to provide for the refunding to certain counties of the excess amount paid into the Territorial Treasury under and by virtue of Section 9, of Chapter 89, of the laws of 1903.'

"Council Bill No. 123: 'An Act providing funds and making appropriations for the traveling expenses of the District Judges and Clerks of the District Courts of the Territory of New Mexico.'

"Council Bill No. 95: 'An Act to amend Section 2, of Chapter 9, of the Acts of the Thirty-fourth Legislative Assembly of New Mexico, relating to railroads.'

"Council Bill No. 133: 'An Act to provide for the revision of the laws of the Territory of New Mexico.'

"Council Bill No. 113, entitled 'An Act to facilitate the collection of poll and road taxes, by requiring the employer of persons liable therefor to pay such taxes and deduct the amount thereof from the wages of such employees.'

"Respectfully yours,

"Governor of New Mexico."

"H. J. HAGERMAN,

"Message No. 37.

"Santa Fe, March 21st, 1907.

"OFFICE OF THE EXECUTIVE.

"Santa Fe, March 21st, 1907.

"Hon. Chas. A. Spiess, President of the Council.

"Mr. President:

"I have the honor to inform you that I have signed the following bills:

"Council Bill No. 132: 'An Act providing for the assessment of sheep belonging to nonresidents and for other purposes.'

House Bill No. 169: 'An Act to amend Section 1527 of the Compiled Laws of New Mexico.'

"House Bill No. 36: 'An Act creating the office of inspector of weights and measures in the several counties of the Territory of New Mexico.'

"House Substitute for House Bill No. 107: 'An Act to revise and systematize the school laws of the Territory of New Mexico, and for other purposes.'

"Respectfully yours,

"H. J. HAGERMAN,

"Governor of New Mexico."

The President announced the labors of the Council completed.

Mr. Martinez moved that the Journal of the day's proceedings

be approved, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the Journal stood approved.

Mr. Martinez moved that the Council do now adjourn sine die, which motion was duly seconded by Mr. Duncan, was put to a vote and declared carried, and the Council stood adjourned sine die.

CHAS. A. SPIESS,  
President of the Council.

W. E. MARTIN,  
Chief Clerk of the Council.















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